

URBAN/MUNICIPAL

CAY ON HBL A05

CSIPY

1996

AGENDA

OF THE

PLANNING AND

DEVELOPMENT COMMITTEE

JAN. 24, 1996

URBAN/MUNICIPAL
CAY ON HBL A05
C51P4
1996



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NOTICE OF MEETING
PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 January 24
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

JAN 26 1996

GOVERNMENT DOCUMENTS

Charlene Touzel, Acting Secretary
Planning and Development Committee

AGENDA

1. PUBLIC MEETINGS

9:30 O'CLOCK A.M.

- a) Zoning Application 95-28, by A. Hemstreet, owner, for further modification to the established "C" District regulations for lands located at no. 1492 Upper James Street
- b) Zoning Application 95-30, by Harley Knight, owner, for a change in zoning from "AA" District to "C" District, modified, for lands located at the rear of 371 Rymal Road East

9:45 O'CLOCK A.M.

- c) Revised Concept Plan - Lapp Property, 100 Beddoe Drive, Chedoke Neighbourhood

2. CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING AND DEVELOPMENT/BUILDING COMMISSIONER

Bill 20 - Proposed Revisions to the Planning Act

3. **CITY SOLICITOR**

Second Real Properties Limited, Lessee, Lloyd D. Jackson Square - Application by Lessee for Approval of Grant Leasehold Mortgage

4. **BUILDING COMMISSIONER**

266-280 King Street East - Demolition

5. **GREATER HAMILTON DOWNTOWN COMMUNITY DEVELOPMENT CORPORATION'S FOUNDING BOARD**

Residential Conversion of Non-Residential Buildings in the Central Business District


6. **CONSENT AGENDA**

7. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
3.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
4.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
5.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
6.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
7.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
8.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
9.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant



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CITY OF HAMILTON
- RECOMMENDATION -

1a

DATE: 1996 January 8
ZAR-95-28
Mewburn Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a further modification in zoning - No. 1492 Upper James Street.

RECOMMENDATION:

- (a) That approval be given to Zoning Application 95-28, A. Hemstreet, owner, for a further modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the temporary use of lands and the existing building for the sale of new and used automobiles for a further three year period, for property located at No. 1492 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, as amended by By-laws Nos. 86-201, 90-227 and 92-160 applicable to the subject lands, be further modified in accordance with Section 39 of the Planning Act, R.S.O. 1990, to permit the temporary use of the lands and the existing building(s) only, for the sale of new and used automobiles for a further maximum period of three years;
 - ii) That notwithstanding Section 9.(1) of By-law No. 6593, one pylon sign will be permitted on the lot in accordance with the requirements of Section 14A(3)(a) of By-law No. 6593;
 - iii) That notwithstanding Section 18.(3)(ivc)(b) of Zoning By-law No. 6593, a minimum 3.0 m wide landscaped planting strip shall be provided and maintained only along the northerly lot line; and,

- iv) That notwithstanding Section 18(3)(ivc)(c) of Zoning By-law No. 6593, no visual barrier shall be required;
 - v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-939c, and that the subject lands on Zoning District Map W-9D be notated S-939c;
 - vi) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
 - vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That Section 8. of the Second Report of the Planning and Development Committee for 1993, respecting changes in zoning from "AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) District modified, to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified, to permit commercial uses including a multiple bay, coin operated car wash, for lands located at Nos. 1492 and 1500 Upper James Street, as shown on the attached map marked as APPENDIX "B", be repealed in its entirety.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a further modification to the "C" (Urban Protected Residential, etc.) District provisions for lands located at No. 1492 Upper James Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the temporary use of the subject lands and existing building only, for the sale of new and used automobiles for a further three year period.

In addition, the by-law provides the following variances as special requirements:

- requires a minimum 3.0 m wide landscaped planting strip along the northerly lot line only, whereas a 3.0 m wide planting strip is required along the northerly, westerly and southerly lot lines;
- permits a pylon sign for the purpose of business identification in conjunction with the temporary use of automobile sales; and,
- deletes the requirement of a 1.2 m to 2.0 m high visual barrier along the northerly, westerly, and southerly lot lines.

V. J. J. J. J.

J. S. Savelle

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The proposal is to further modify the established "C" (Urban Protected Residential, etc.) District to permit the temporary sale of new and used automobiles for a further three year period in accordance with Section 39 of The Planning Act. According to the application, prior to 1986, the subject property was utilized as a legal non-conforming service station and automotive repairs were permitted by the Committee of Adjustment in 1967. Since 1986, the lands have been utilized for the temporary use of new and used automobile sales and associated rental, leasing and repair of vehicles.

- Zoning Application 92-34

Rezoning application ZA-92-34 for changes in zoning from "AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) District modified, to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit highway type commercial uses including a multiple bay, coin operated car wash, for lands located at No. 1492 and 1500 Upper James Street, as shown on the attached map marked as APPENDIX "B", was approved by Council on January 26, 1993. The amending By-law was held in abeyance pending fulfilment of the following condition:

"That the owner/applicant has entered into a modified subdivision agreement with the City and the Region of Hamilton-Wentworth, which will include the dedication of the neighbourhood mid-block collector street and daylight triangles to the City, and provide for the recovery of servicing costs to the Region and the City of Hamilton for this street. The terms of the agreement will be applied upon the amending by-law coming into effect."

However, the application has been inactive since February 1993 and the condition has not been fulfilled. In conjunction with the submission of ZAR-95-28, the applicant has indicated that file ZA-92-34 should be closed.

- Temporary Use Zoning By-laws Nos. 86-201, 90-227 and 92-160

The first temporary use By-law (No. 86-201) applicable to the subject lands was passed by City Council on June 25, 1986. Subsequent temporary use By-laws 90-227 and 92-160, were passed on July 30, 1990 and June 30, 1992, respectively.

These by-laws modified the established "C" (Urban Protected Residential, etc.) District regulations to permit the subject lands and existing buildings or structures to be used temporarily for the sale of new and used automobiles for a period not exceeding three years from the date of passage of the by-law. The most recent temporary use By-law (No. 92-160) lapsed on June 30, 1995.

- Site Plan Control Application DA-89-111

Plans were submitted and approved on May 23, 1990, by the Planning and Development Committee, for a temporary new and used auto sales facility at 1492 Upper James Street, which incorporated the terms and conditions of the above-mentioned Zoning By-laws.

The applicant does not propose to alter the above-mentioned approved site plan.

APPLICANT:

A. Hemstreet, owner.

LOT SIZE AND AREA:

- 68.58 m (225 ft.) of lot frontage on Upper James Street;
- 40.181 m (131.83 ft.) of lot depth; and,
- 2,755.57 m² (29,661.7 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	New and used automobile sales	"C" (Urban Protected Residential, etc.) District, modified
<u>Surrounding Lands</u>		
To the north and west	Single-family dwelling and a non-conforming garden centre	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
To the south	Vacant	"C" (Urban Protected Residential, etc.) District

To the east

Vacant

"C" (Urban Protected Residential, etc.) District and "G" (Neighbourhood Shopping Centre, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated COMMERCIAL on Schedule "A" - Land Use Concept of the Official Plan, and are also located within SPECIAL POLICY AREA 31 and 31c on Schedule "B" - Special Policy Areas. Special Policy Area 31 identifies the Upper James Street corridor as a highway-oriented commercial area. Furthermore, within Area 31c, neighbourhood-based retail and service uses catering to the adjacent Residential areas are encouraged. Furthermore, the following policy regarding temporary use by-laws should be noted:

"D.3.8 In accordance with The Planning Act, Temporary Use By-laws may be used to permit the use of lands, buildings, or structures, on a temporary basis, for any purpose as may be specified in the said by-law. The provisions of The Planning Act regarding timing and extensions to such by-laws will apply."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "NEIGHBOURHOOD COMMERCIAL" and "proposed mid-block collector" on the approved Mewburn East Neighbourhood Plan. The temporary use of the site for automobile sales would not conflict with the intent of the approved Neighbourhood Plan.

COMMENTS RECEIVED

- The Building Department has advised that:

"The new by-law shall include the special requirements the same as the previous By-law 90-227."
- Traffic Department and Hamilton Region Conservation Authority have no comments or objections.
- The Roads Department has advised that:

- "1. There are public watermain and separate storm and sanitary sewers available to service the subject lands.
2. The designated road allowance width of Upper James Street is 36.58m. In accordance with this designation, the applicant should be advised of a future road allowance widening to establish the property line 18.29m from the centreline of the original Upper James Street road allowance.
3. According to the approved Mewburn Neighbourhood Plan, the subject lands are designated for commercial use and for the establishment of the mid-block collector street on the west side of Upper James Street. The street is shown in its approximate location on the attached plans. The mid-block collector street on the west side of Upper James Street must align centreline to centreline with Regina Drive, on the east side of Upper James Street, as shown on Expropriation Plan No. 9535. We will also require 12m by 12m daylight triangles at the intersection of the mid-block collector street and the widened limits of Upper James Street.

As conditions of future development approval, we will require a modified subdivision agreement to have the streets dedicated to the City, the road widenings on Upper James Street dedicated to the Region and recover all outstanding servicing costs.

4. We recommend these lands be subject to site plan control and that no additional structures be permitted on this site which would encumber the intent of the neighbourhood plan and the ability of the City to establish this mid-block collector street at some future date.
5. In the absence of any details shown, we advise that any works which may occur within the Upper James Street road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law.
6. In reviewing our files, we note that Zoning Application 92-34 for these lands appears to be outstanding. We understand that a modification to the existing zoning was approved but the By-law has not been forwarded for approval since the conditions of zoning approval have not been satisfied. We recommend that the status of this file be reviewed and that our Department be notified accordingly."

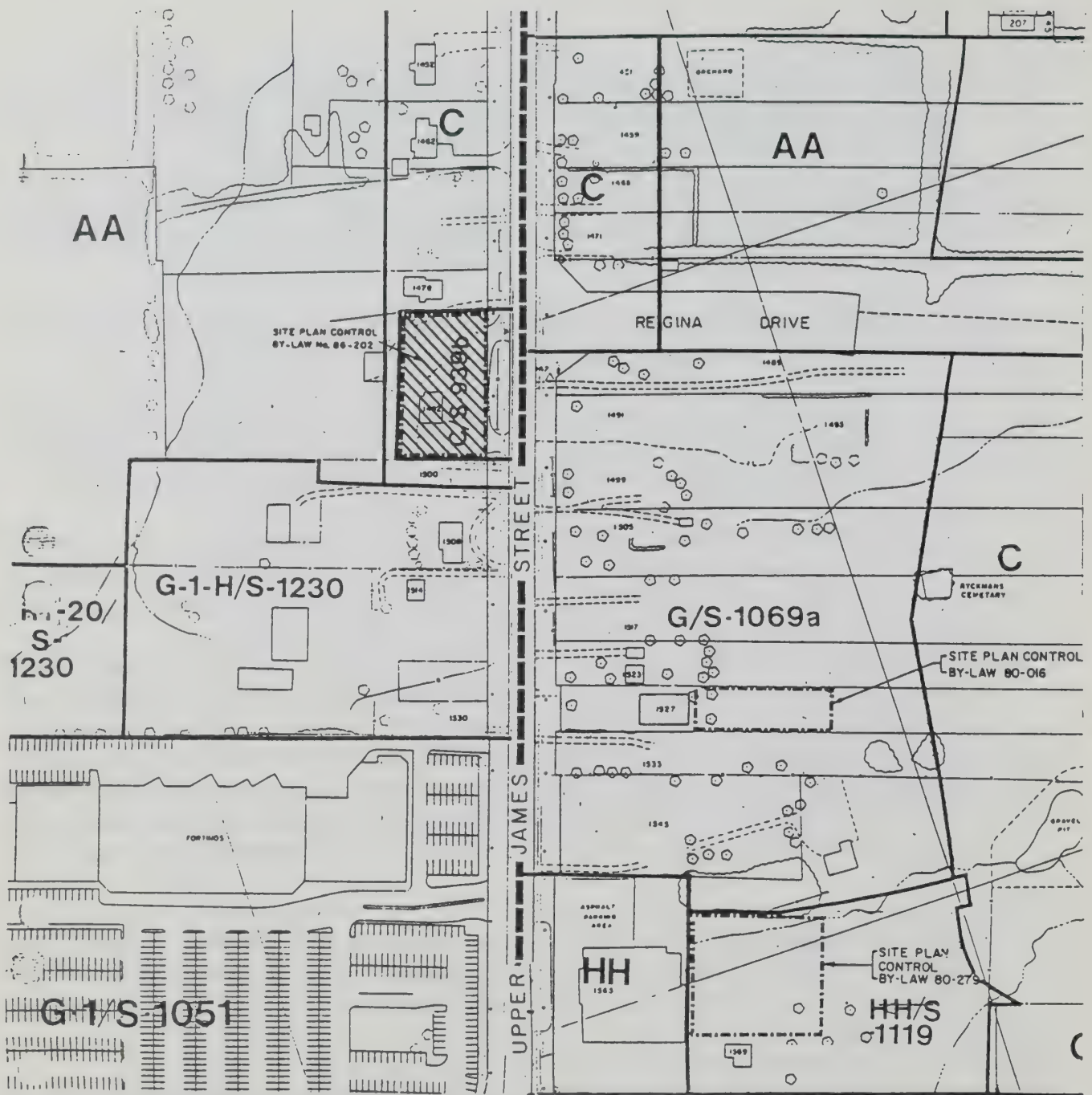
COMMENTS

1. The proposal would not conflict with the intent of the Official Plan or the Approved Mewburn Neighbourhood Plan.

2. Section D.3.8 of the Official Plan allows Council to permit the use of lands on a temporary basis for a maximum period of three years. The proposal would, therefore, implement Section 39 of the Planning Act, R.S.O., 1990.
3. Temporary use of the property for the sale of new and used automobiles, utilizing the existing building only, for a further maximum three year period, can be supported on the following basis:
 - a) The property has been used for the repair of motor vehicles and the sale of new and used automobiles since 1986.
 - b) Lands to the north, south and west are designated for "COMMERCIAL" purposes in the Official Plan, and are designated for "NEIGHBOURHOOD COMMERCIAL" in the approved Mewburn East Neighbourhood Plan.
 - c) Use of the subject lands and existing building, on a temporary basis, would not prejudice the intent of the Neighbourhood Plan as the use could be terminated at the end of the three-year period set out in the amending by-law.
4. The previous amending by-laws (Nos. 86-201, 90-227 and 92-160) required a landscaped planting strip having a minimum width of 3.0 m to be provided and maintained only along the northerly lot line, permit a pylon sign for the purpose of business identification, and provided an exemption from the required 1.2 m high to 2.0 high visual barrier along the northerly, southerly and westerly lot lines. These special provisions should still apply. Furthermore, the special requirements should be reinstated when an appropriate commercial zoning of the lands is approved in the future.
5. Since the applicant does not propose to alter the previously approved site plan (DA-89-111), which incorporates the above-mentioned special provisions, it is not necessary to amend the existing development agreement presently being enforced on the property.
6. As noted, the applicant has indicated that rezoning application ZA-92-34, which has been held in abeyance for some time pending conditions of approval, should be closed. Accordingly, it would be appropriate to rescind Section 8. of the Second Report of the Planning and Development Committee for 1993, respecting Zoning Application 92-34 for changes in zoning to "HH" (Restricted Community Shopping and Commercial) District, modified, for lands located at Nos. 1492 and 1500 Upper James Street.

CONCLUSION

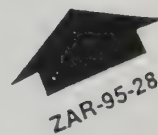
On the basis of the foregoing, the application can be supported.



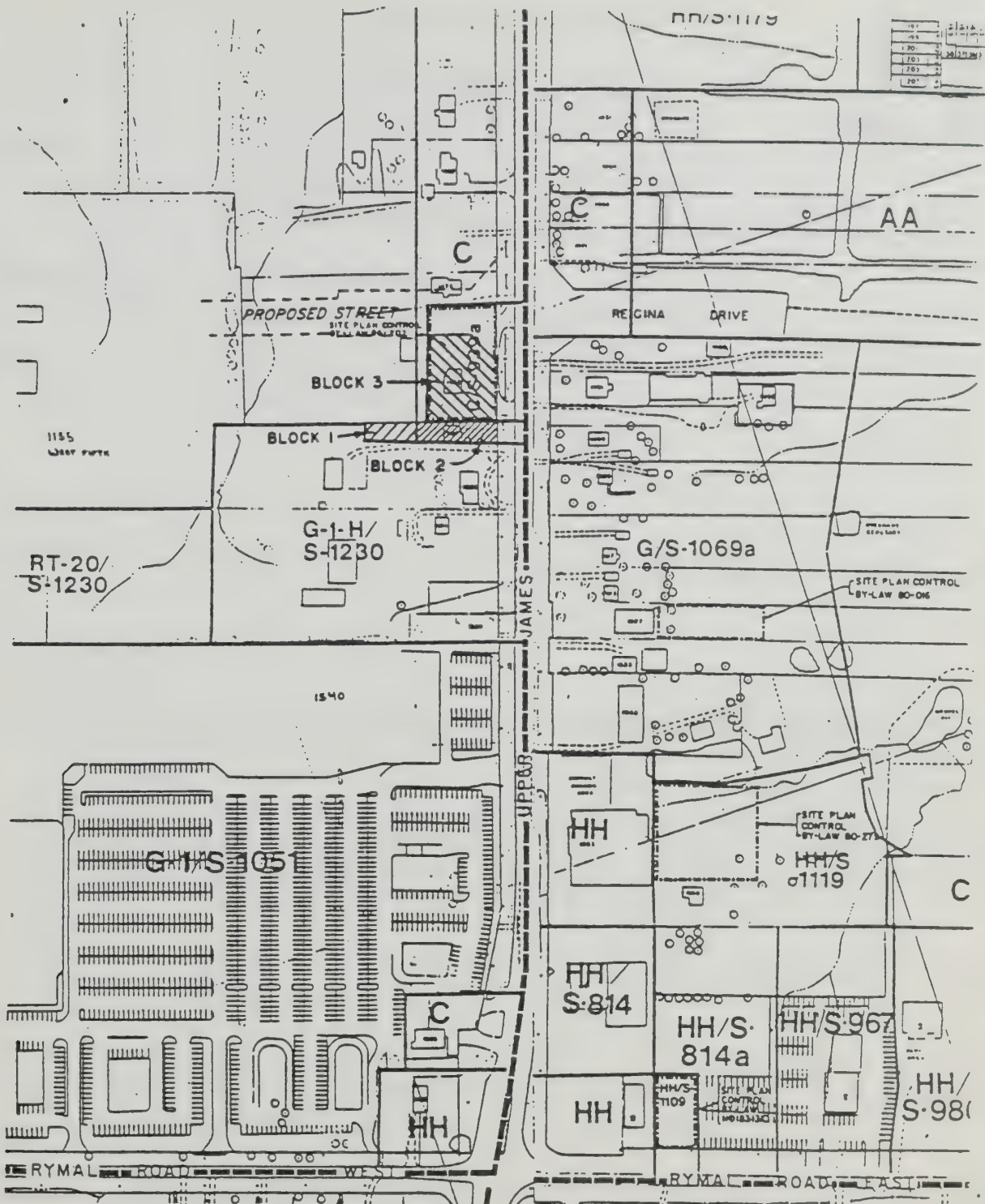
Legend



Site of the Application



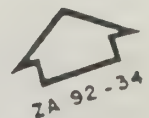
APPENDIX A



Legend

Proposed change in zoning from:

- | | | |
|---------|--|---|
| BLOCK 1 | | "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified. |
| BLOCK 2 | | "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified. |
| BLOCK 3 | | "C" (Urban Protected Residential, etc.) District, modified to "HH" (Restricted Community Shopping and Commercial) District, modified. |



CITY OF HAMILTON
- RECOMMENDATION -

1b

DATE: 1996 January 16
ZAC-95-30
Barnstown Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - No. 371 Rymal Road East.

RECOMMENDATION:

- a) That approval be given to Amended Zoning Application 95-30, Harley Knight, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, for Block "1", and a modification to the established "AA" (Agricultural) District regulations, for Block "2", to permit development of Block "1" for two single-family dwellings fronting onto Bordeaux Court and to retain the existing dwelling on Block "2", for lands located at No. 371 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That Block "1" be rezoned from "AA"(Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - ii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
 - (1) That notwithstanding Section 9.(4) every lot shall have a width of at least 11.6 m and an area of at least 360 m²;
 - iii) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to Block "2," be modified to include the following variance as a special requirement:

- (1) That notwithstanding Section 7A (4) every lot shall have an area of at least 1,200 m².
- b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-18D be notated S- ;
- c) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D for presentation to City Council; and,
- d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

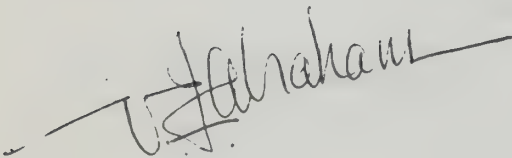
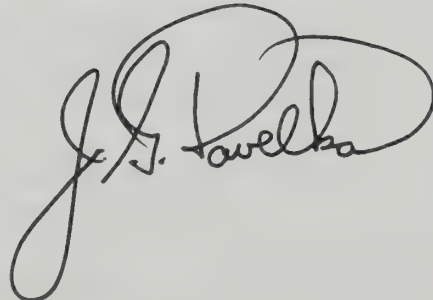
EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, for Block "1", and a modification to the established "AA" (Agricultural) District regulations, for Block "2", for lands located at No. 371 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit Block "1" to be developed for two single-family dwellings fronting onto Bordeaux Court and the existing dwelling to be maintained on Block "2".

In addition, the by-law provides for the following variances as special requirements:

- Block "1" - permits a minimum lot width of 11.6 m (38.06 ft.), whereas the Zoning By-law requires a minimum lot width of 12.0 m (39.37 ft.); and,
- Block "2" - permits a minimum lot area of 1,200 m² (12,917 sq. ft.), whereas the Zoning By-law requires a minimum lot area of 12,000 m² (129,171 sq. ft.).

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The application is to rezone Block "1" from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified, and to modify the established "AA" (Agricultural) District regulations for Block "2", for lands located at No. 371 Rymal Road East, as shown on the attached map marked as APPENDIX "A". The proposal is to permit development of Block "1" for two single-family dwellings fronting onto Bordeaux Court with lot widths of 11.65 m and maintain the existing single-family dwelling on Block "2" with a lot area of 1,221 m² (13,143.16 sq. ft.).

- Land Division Committee Applications H-103-95 and H-104-95

Applications have been made to the Land Division Committee to sever the two 11.65 m wide lots from the holding at No. 371 Rymal Road East. The proposed single-family dwelling lots would have areas of 394.12 m² (4,242.41 sq. ft.) and 375.18 m² (4,038.54 sq. ft.), and the lands to be retained with the existing dwelling, would have an area of 1,221 m² (13,143.16 sq. ft.), as shown on APPENDIX "B". The applications are scheduled to be heard by the Land Division Committee on January 16, 1996.

- Zoning Application ZAC-94-06 and Committee of Adjustment Applications H-10-94 and H-11-94

Zoning By-law No. 94-111, implementing rezoning application ZAC-94-06, was passed on June 28, 1994. This By-law rezoned lands located at the rear of 379 Rymal Road East, immediately to the east of the subject lands, from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit two single-family dwellings fronting onto Bordeaux Court. Associated Land Division Committee applications (H-10-94 and H-11-94), to create the two single-family dwelling lots at the rear of No. 379 Rymal Road East, were approved on April 26, 1994.

APPLICANT:

Harley Knight, owner.

LOT SIZE AND AREA:

- 24.42 m (80.12 ft.) of lot frontage on Rymal Road East;
- 82.64 m (271.13 ft.) of lot depth; and,

- 2010.3 m² (21,639.4 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
To the north	Vacant single-family dwelling lots	"C" (Urban Protected Residential, etc.) District
To the south	Vacant	"AA" (Agricultural) District
To the east	Single-family dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
To the west	Vacant single-family dwelling lots	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated RESIDENTIAL on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the Approved Barnstown Neighbourhood Plan. The proposal complies with the intent of the Approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. The two lots to be created within the proposed "C" zoning district do not provide the minimum 12.0 m lot width.

2. The land remaining within the "AA" zoning district does not provide the minimum lot area of 12000 square meters.
3. The location of the existing dwelling has not been shown to determine if the existing dwelling will provide the minimum 10.5 m rear yard."

- The Department of Public Works and Traffic has advised that:

"The lands to the east of the subject lands were recently rezoned to permit single family residential development and are currently being developed. Since the driveway location on the residential lot immediately east of the subject property has not been established, we recommend that access to the lot shown as Part 2 on the submitted plan be located on the westerly side of the lot. This will avoid any potential overlapping of driveways within the road allowance of Bordeaux Court."

- The Regional Roads Department has advised that:

- "1. There are public watermains and separate storm and sanitary sewers available to service these lands.
2. As a condition of development approval we require that the applicant/owner enter into an appropriate agreement with the City of Hamilton and the Region to dedicate sufficient lands to the City of Hamilton to establish the cul-de-sac limits of Bordeaux Court to its full limits and to lift the 0.30 m reserve on Bordeaux Court. All outstanding costs must be paid to the City/Region and the cost of preparing the necessary reference plan to identify the remainder of the 0.30 m reserve to be lifted and the lands to be dedicated to the City of Hamilton for the cul-de-sac bulb will be the sole responsibility and expense of the applicant/owner. The 0.30 m reserve to be lifted must also include Part 5 shown on Reference Plan 62R-13192.
3. For the information of the applicant/owner, the designated road allowance width of Rymal Road is 36.58 m and lands may be required at some future date to establish this road widening designation."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the Approved Barnstown Neighbourhood Plan.
2. The proposal has merit and can be supported, on the following basis:
 - it complies with the intent of the Official Plan;

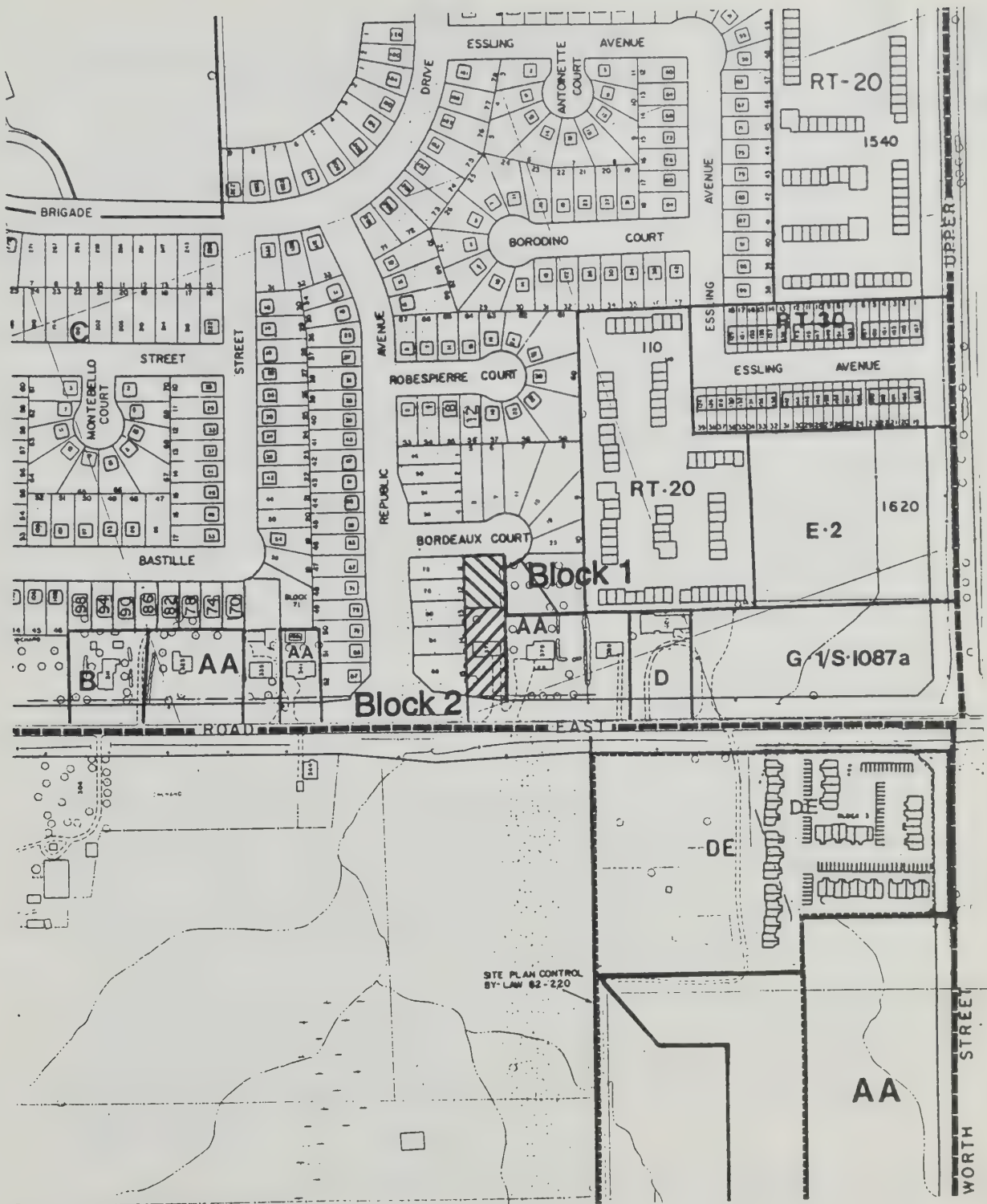
- it would implement the Approved Barnstown Neighbourhood Plan, which designates the subject lands "SINGLE AND DOUBLE RESIDENTIAL";
 - it represents an infill situation in an established residential area (eg. established single-family lots immediately to the west fronting onto Republic Avenue and to the east fronting onto Bordeaux Court); and,
 - the proposed single-family dwelling lots are consistent with the established residential character of the area.
3. The proposal requires a modification to the "C" (Urban Protected Residential, etc.) District regulations to permit the two lots to be a minimum of 11.6 m (38.06 ft.) wide, whereas the By-law requires a minimum width of 12.0 m. This variance can be supported on the basis that the reduction is minor in nature. Furthermore, since the proposal represents an infill situation (eg. lots immediately to the west and east are already established), the only alternative if the variance were not provided, would be to establish one 23.3 m (76.44 ft.) wide lot, which would be large in comparison with the established development along Bordeaux Court.

In addition, the application as submitted did not include the front of No. 371 Rymal Road East. However, the legal non-conforming lot with the existing dwelling is being further reduced in lot area and a variance is required to recognize the reduced lot area, as per Building Department comment 2. Accordingly, the application has been amended to include the front of 371 Rymal Road East (Block "2") and to provide for a modification to the "AA" (Agricultural) District regulations to permit a lot area of 1,200 m² (12,917 sq. ft.), whereas the by-law requires a minimum of 12,000 m² (129,171 sq. ft.). With regard to Building Department comment 3., the agent for the applicant has advised that the rear yard depth for the existing dwelling will be at least 10.5 m, therefore, a variance is not required.



4. It should be noted that the conditions of development (eg. road allowance dedication, lifting of the 0.30 m reserve, servicing costs, etc.) referred to item no. 2. of the Regional Roads Departments comments, are normally requested as a condition of Land Severance (ie. modified subdivision agreement) and the Roads Department has indicated that it would be appropriate to acquire the conditions in this manner. Likewise, the condition of the Traffic Division regarding the location of the driveway for the proposed easterly lot, should also be addressed at the Land Division stage of development.

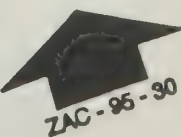
CONCLUSION:

On the basis of the foregoing, the amended application can be supported.



LEGEND

- Block 1**  Proposed change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified
- Block 2**  Proposed modification to the "AA" (Agricultural) District

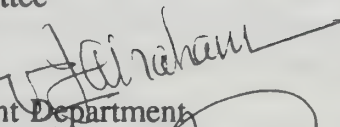
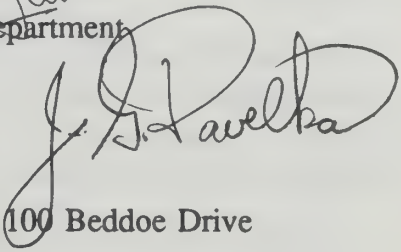


CITY OF HAMILTON
- FOR DISCUSSION -

1c

DATE: 1996 January 16
(OP-APP2)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer


SUBJECT: Revised Concept Plan - Lapp Property, 100 Beddoe Drive
Chedoke Neighbourhood

BACKGROUND:

- History of the Application

In 1989, Chedoke Heights Inc. made applications to the City of Hamilton to amend the Official Plan from INDUSTRIAL to RESIDENTIAL and to the Niagara Escarpment Commission for a development permit for the former Lapp insulator site (see APPENDIX "A"). The intent was to redevelop the site for residential purposes.

Prior to the consideration of the application for two, 4 storey apartment buildings containing 200 apartment units and 117 townhouses, the Planning and Development Committee directed a Modified Neighbourhood Plan review be undertaken to determine the appropriate land use for the site, as well as other sites within the Chedoke/Kirkendall neighbourhoods.

After the completion of the Modified Neighbourhood Plan Review and further discussions with various agencies, the Planning and Development Department recommended the application be denied for the following reasons:

- "1) The Ministry of the Environment has advised that the proposed mitigative measures (sealed windows) are not acceptable as a method of noise attenuation. In this regard, approval of the application could result in future land use conflicts with the adjoining industrial uses;

- 2) The woodlot is a visual and natural feature of the urban fabric. In this regard, the woodlot should be preserved; and,
- 3) It is contrary to the approved Chedoke Park Neighbourhood Plan which designates the site for light industrial/warehousing; non-retail commercial; recreational; and, non-residential institutional uses."

However, the Department did indicate that if alternate noise attenuation measures were identified and were satisfactory to the Ministry of Environment and limited development was to occur in the woodlot, then the Department could support the proposed development.

At its meeting of January 28, 1992, City Council denied the request for an Official Plan Amendment.

- Joint Consolidated Board Hearing

In 1992, the Joint Consolidated Board held a 42 day hearing dealing with:

- the proposed Official Plan Amendment;
- the Niagara Escarpment Development Permit; and,
- the severance of the land into two separate parcels.

The issues heard at the Board hearing were numerous. They included mitigating noise from the CP Rail yard and the Public Works Yard; impact of the development on the golf course; preservation of the woodlot; traffic impacts; impacts on the neighbourhood (i.e schools, safety, etc.), etc.

In May 1993, the Joint Consolidated Board approved the development of the subject lands for 318 units as follows (see APPENDIX "B"):

- **Northern Portion**

- 251 units in a "U" shaped single loaded corridor apartment building(six to seven storeys in height);
- 40, two-storey townhouses; and,
- a small convenience store within the "U" shaped building.

- **Southern Portion**

- 27, two-storey townhouses within the woodlot.

In addition, there are 30 conditions (i.e. noise, site plan control, landscaping, etc.) that are required to be met, one of which is a Development Permit must be issued by 1998.

PROPOSED REVISION TO THE JOINT CONSOLIDATED BOARD HEARING

- Details of the Proposed Revision

In November 1995, the land owner approached the City, as well as other agencies, to seek input on a proposed revision for the northern portion of the site for 125 townhouses (53 in a "U" shaped structure and 72 in the interior). There is the possibility the proposed variety store within the "U" shaped building may be converted to two additional units if the commercial component is not economically viable.

The land owner is seeking to amend the Board's decision because the wording of the proposed Official Plan Amendment and the various conditions are very specific and do not allowed the use, as proposed. However, he does wish to retain his right to develop the lands for the apartments/townhouses, if the market changes in the interim.

- Additional Public Meetings

Two public meetings have been held (November 23, 1995 and December 11, 1995) to discuss the proposed concepts plan with area residents. The following issues, among others, were raised:

- traffic generation;
- impacts of errant golf balls on the development;
- site design;
- population density;
- noise mitigation; and,
- future servicing.

Area residents are not in favour of the proposed revision. The Kirkendall Neighbourhood Association also has indicated it does not support the proposed concept plan.

THE ROLE OF THE CITY

On November 24, 1995, Mr. John Welton wrote to Mr. Katary, the member who conducted the hearing on behalf of the Joint Consolidated Board Hearing, requesting an amendment to the wording of the Official Plan and the conditions to facilitate the development of the lands for 127 townhouses.

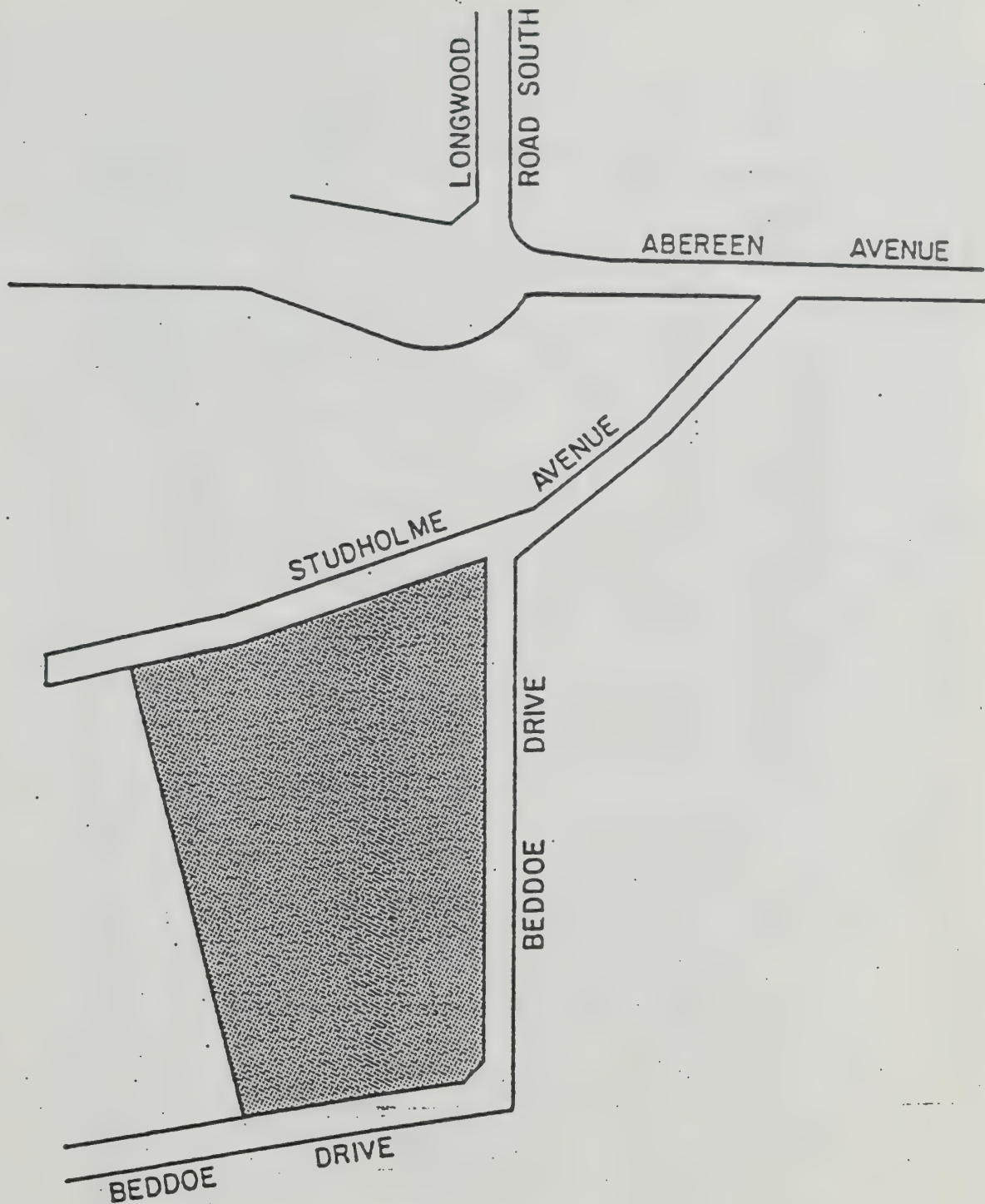
On behalf of the City, the Law Department wrote to Mr. Katary on December 6, requesting him to defer consideration of the revised plan until the City had sufficient time to review it and City Council had developed a position on it.

At this point, the City has different options, it may wish to consider:

- 1) if the proposed revisions are major enough that a new application will be required and accordingly, not within the Board's jurisdiction to revise the decision; or
- 2) it can either support or deny the proposed revision to the concept plan for 127 townhouses and inform the Board accordingly; or,
- 3) it can table the request if or when Mr. Katary, the Joint Consolidated Board Chairman, seeks the City's input.

It should be noted the possibility exists the Board could approve or deny the application without the City's input.

JHE



City of Hamilton

OFFICIAL PLAN AMENDMENT

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the application

North



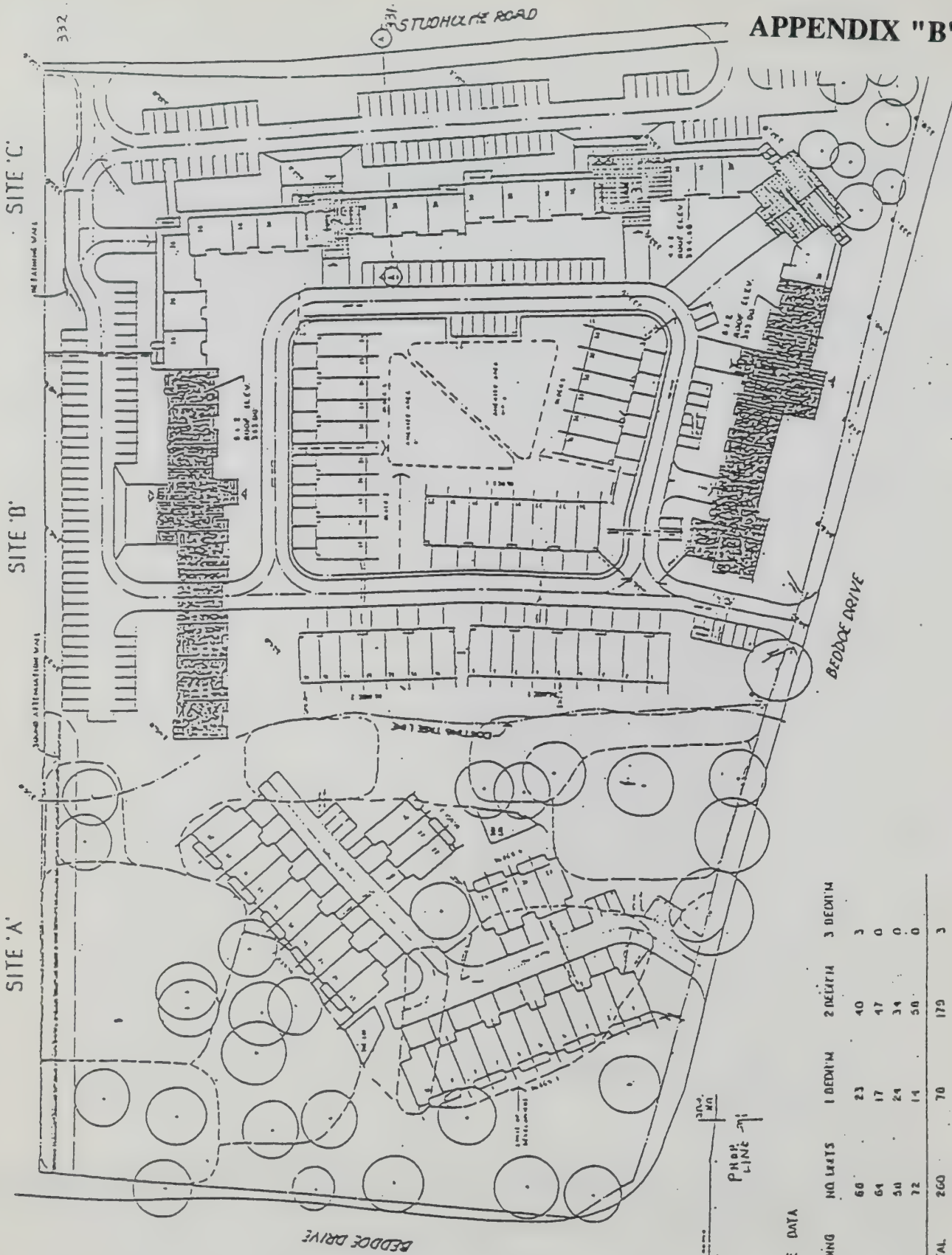
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Date
NOVEMBER, 1990

Reference File No.
P6-8-3

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T.A.

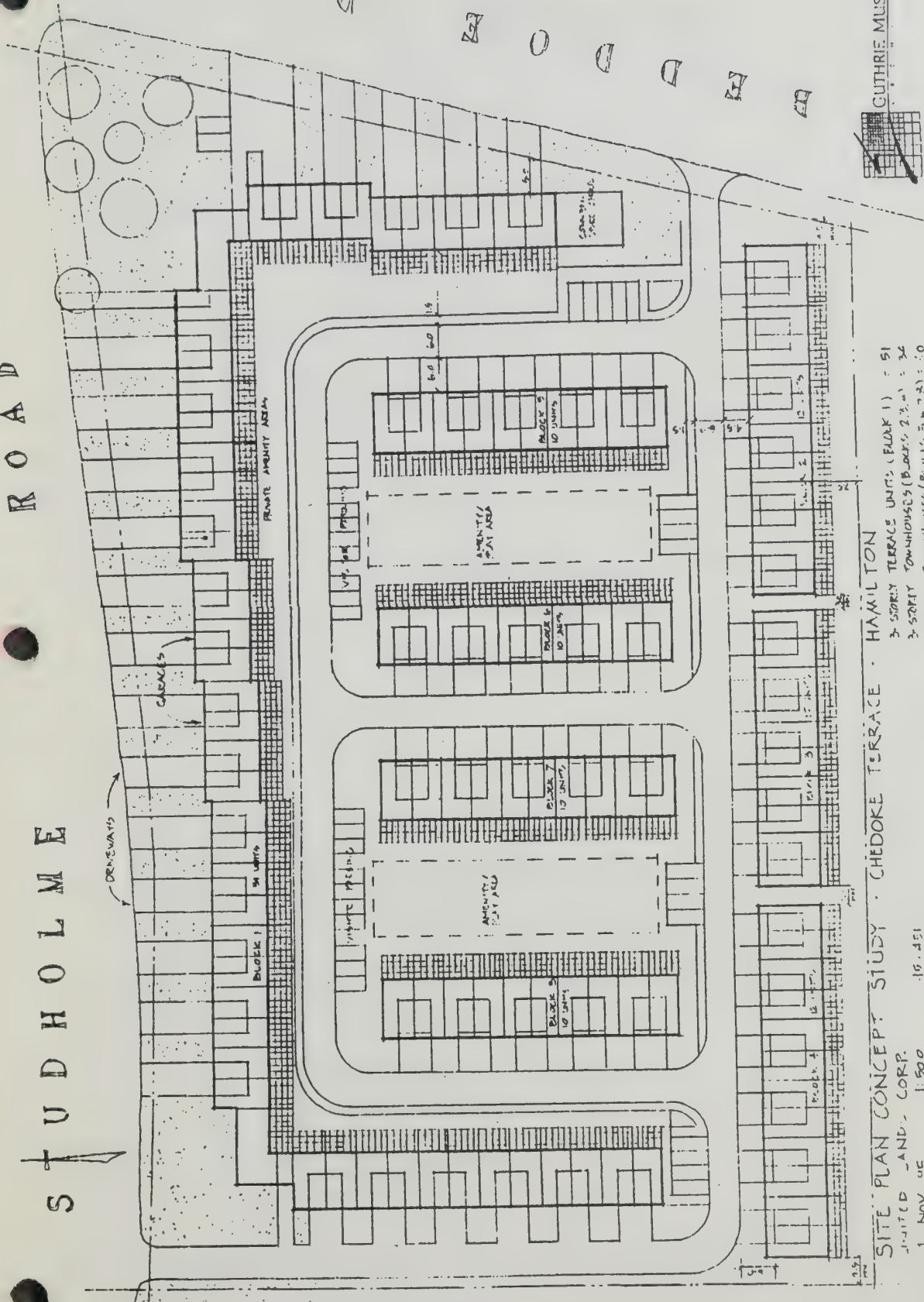
APPENDIX "B"



SITE DATA

BUILDING	NO. LOTS	1 BED/1M	2 BED/1M	3 BED/1M
1	60	23	40	3
2	64	17	47	0
3	50	24	34	0
4	72	14	50	0
TOTAL	260	70	179	3

STUDHOLME



GUTHRIE, MUSCOV

SITE PLAN CONCEPT STUDY · CHEDOKÉ TERRACE · HAMILTON

UNITED LANDS CORP.

16.451

1 NOV 45

3-STORY TERRACE UNITS (BLOCK 1) = 51
3-STORY TOWNHOUSES (BLOCKS 2,3,4) = 36
3-STORY TOWNHOUSES (BLOCKS 5,6,7,8) = 40
3-STORY TOWNHOUSES (BLOCKS 9,10,11) = 40

157. 41

[illegible]

CITY OF HAMILTON
- FOR DISCUSSION -

2

DATE: 1996 January 17
4498

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

L. C. King, P.Eng.
Building Commissioner

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Bill 20 - Proposed Revision to the Planning Act

BACKGROUND:

On November 16, 1995, the Minister of Municipal Affairs and Housing introduced for First Reading "*Bill 20 - An Act to promote economic growth and protect the environment by streamlining the land use planning and development system through amendments related to planning, development, municipal and heritage matters*". As noted in the fact sheet provided by the Province, Bill 20 "combines a number of legislative amendments to various acts dealing with land-use planning and development. In general, the amendments contained in Bill 20 will authorize greater decision-making powers for municipalities and remove unnecessary regulation". The primary legislations to be amended by Bill 20 are:

- (i) the Planning Act;
- (ii) the Development Charges Act;
- (iii) the Ontario Heritage Act;
- (iv) the Assessment Act; and,
- (iv) the Municipal Act.

The explanatory note of Bill 20 is attached as APPENDIX "A".

Bill 20 received Second Reading on December 14, 1995 and the Standing Committee on the Administration of Justice will hold hearings on Bill 20 in February, 1996. The Province has advised that it is their intent for Bill 20 to receive Third Reading in the Spring, 1996 with Proclamation to occur in the late-Summer, 1996.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As the Province has not finalized the proposed revisions to the Comprehensive Set of Policy Statements, it is difficult to accurately evaluate the implications of Bill 20. It is anticipated that the Province will be providing more information on Bill 20 and the new set of policy statements, at which time staff will report back on all financial, staffing and/or legal implications of Bill 20.

SYNOPSIS OF PROPOSED CHANGES TO THE PLANNING ACT:

The Province is proposing a series of amendments to the Planning Act. The purpose of these amendments are "to streamline the planning process, give greater autonomy to municipalities and protect the environment within the context of economic development". The following is a synopsis of the more significant amendments to the Planning Act.

1. Application Review Time Frames

In announcing the proposed revisions to the Planning Act, the Province indicated that the changes will "cut maximum approval times in half". The amount of time available for the circulation and technical review have been significantly reduced. The revisions establish the following time frames for a decision by Council:

	EXISTING (Bill 163)	PROPOSED (Bill 20)
Official Plan Amendments	180 days	90 days
Rezoning Applications	90 days	90 days
Plans of Subdivision	180 days	90 days
Consent Applications	90 days	60 days

A standard 90 day time frame is being proposed for OPAs, rezonings and plans of subdivision.

As part of the streamlining initiatives, Bill 20 removes the requirement of a 14 day "cooling-off" period between the public meeting and Council decision on a proposed OPA. This requirement was enacted as part of Bill 163. The waiting period was problematic in that it tied up the zoning process if there is an associated OPA. In the City of Hamilton, under Bill 20 there will be a minimum of 6 days between the public meeting and Council adoption.

In addition, the Province is proposing to require that the Clerk must give notice of the passage of a zoning by-law within 15 days. At present, there is no requirement in the Planning Act regarding the time period in which notice must be given. The 15 day requirement was previously in the Planning Act and is being restored as part of the overall streamlining measures in Bill 20.

At the present time both Section 34 of the Planning Act and Ontario Regulation 44/95 require that the notice of passage of a zoning by-law indicate the last day for the filing of an appeal. In order to reduce duplication, the Province is proposing to remove this requirement from the Planning Act. However, the requirement will remain in the Regulation.

2. Official Plan Amendment Approvals

In addition to reduced time frames, under Bill 20 the Province is proposing to amend the Planning Act to establish an alternative method of processing Official Plan Amendments (OPA). The alternative process will treat Official Plan Amendments like zoning by-law amendments in that the decision of Council would be final if no objections are received. This would eliminate the need for the City of Hamilton to forward OPAs to the Region for approval where there are no objections to the OPA. However, prior to the enactment of this alternative process, the City and Region would have to develop a protocol agreement to ensure that Regional concerns are adequately addressed as part of the technical circulation and review of the proposed OPA.

3. Compliance with Provincial Policy

The Province is proposing to amend Section 3 of the Planning Act to return to the requirement that local planning authorities' decisions "**have regard for**" provincial policy statements. The Province had previously amended the Planning Act to require municipalities to be "**consistent with**" provincial policy. However, there were concerns that this requirement was too restrictive and did not allow for sufficient local flexibility in implementing the policies. Furthermore, within the City of Hamilton, the "**have regard for**" provision has not resulted in any problems in the past given the City's commitment to proactively implement provincial policies on matters such as affordable housing and residential intensification.

In order to facilitate the transition, Bill 20 states that if no decision has been made on an application made after March 28, 1995, then the "**have regard**" provision will apply instead of the requirement that municipal decisions be "**consistent with**" the applicable provincial policy statements.

4. Committee of Adjustment and Land Division Committee

Under the provisions of Bill 20, direct appeals of minor variance and consent decisions to the Ontario Municipal Board will be eliminated. Council would be the approval authority for minor variance and consent decisions and may delegate its authority to a committee of adjustment as per the existing situation in the City of Hamilton. Alternatively, Council may delegate its approval authority to a committee of Council (eg the Planning and Development Committee).

Under the proposed revisions, decisions of the Committee of Adjustment and/or Land Division Committee will be subject to the following:

- (i) If Council is the approval authority, or if it delegates to a committee of Council or the committee of adjustment which is comprised of **one or more members of Council**, decisions would be **final**. Decisions would not be subject to review by Council, nor could they be appealed to the Ontario Municipal Board.
- (ii) Alternatively, if Council has delegated its approval authority to a committee of adjustment which **does not consist of any members of Council**, then any appeal of the committee's decision would be **subject to review by Council**, or if the municipality wishes, it would be able to **refer the matter to the OMB** as an appeal.

Council's decision on the review would be final. This provision will only apply if there are **no members of Council** on the Committee of Adjustment or the Land Division Committee.

If **there are members of Council** on the Committee, then the Committee's decision **would be final**. The proposed changes to Section 45 of the Planning Act are designed to reduce the number of appeals dealt with by the Ontario Municipal Board and provide faster decisions on appeals of committee decisions. In addition, the proposed changes are intended to provide municipalities with greater autonomy in local decision making on matters such as minor variances.

Where Council refers an application to the Ontario Municipal Board, then the OMB will have the power to recover the full administrative cost of the hearing from the municipality. This would be above the direct cost to the municipality in terms of staff

time and resources to defend the Committee's decision at the OMB.

Planning staff have contacted the Province to seek clarification as to whether or not Council can delegate the review function to a committee (eg Planning and Development Committee) given that it is Council's practise to receive all delegations at the Committee level. Provincial staff have advised that under the provisions of Bill 20, the review of Committee of Adjustment decisions cannot be delegated to a committee of Council.

It is noted that under the existing arrangement in the City of Hamilton, upon proclamation of Bill 20 then the decision of the Committee of Adjustment will be final. There will be no opportunity for appeal by applicants, adjacent property owners or for a review by Council.

In accordance with the provisions of the Planning Act, City Council has four options for considering minor variances. The options are:

- (i) all applications can be considered directly by Council;
- (ii) Council can delegate its authority to a Committee (eg the Planning and Development Committee);
- (iii) the Committee of Adjustment can be restructured such that there are no members of Council on the Committee; or,
- (iv) the Committee of Adjustment can be maintained in its current form with two members of Council on the Committee.

In 1995, 274 applications were made to the Committee of Adjustment. Many of these applications are non-controversial and have no negative effect on adjacent property owners. As such, due to the nature and number of applications made on an annual basis, having either Council or the Planning and Development Committee deal directly with all applications may not be practical and would detract from the amount of time available for the review and consideration of more complex development applications.

Alternatively, Council could elect to restructure the Committee of Adjustment such that there would be no members of Council on the Committee of Adjustment. If Council did this then, under Bill 20, appeals of the Committee's decision would be heard by Council. However, given that the members of the Committee are halfway through the term of their appointment, it may be premature to restructure the Committee of Adjustment at this point in time.

The fourth option for Council is to maintain the existing composition of the Committee of Adjustment. As there are presently two members of Council on the Committee, then under the provisions of Bill 20 the decision of the Committee will be final. As previously noted, a significant proportion of the applications to the Committee of Adjustment are non-controversial and have no negative effect on adjacent property owners. Furthermore, many applicants pre-consult with City staff to determine if the matter should be dealt with as a minor variance or through the rezoning process.

Of the four options, it would be appropriate to maintain the existing structure of the Committee of Adjustment. When the current appointments to the Committee of Adjustment expire in 1997, Council can then decide as to whether or not changes are required to the composition of the Committee of Adjustment.

5. Public Meeting for Plans of Subdivisions

It is proposed that the statutory requirement for a public meeting for plans of subdivision will be removed. However, the Planning Act will not preclude municipalities from exercising the option of holding a public meeting if the municipality so desires. For those applications received between March 28, 1995 and the Proclamation of Bill 20, a public meeting will still be required. However, it is the usual practise for the City of Hamilton to consider a proposed plan of subdivision simultaneously with the rezoning, and if necessary, official plan amendment (OPA) application such that all aspects of the proposed development can be considered concurrently. As such, there will still be an opportunity for public input. Furthermore, it is Council policy to require the posting of a sign on a property that is subject to a subdivision application to serve as an additional mechanism to advise residents when a development proposal is being considered by the City.

6. Accessory Apartments (Bill 120)

The Province is proposing to repeal those portions of Bill 120 dealing with accessory units. Specifically, accessory apartments will no longer be permitted on a provincial basis in any urban residential zone which permits single detached, semi-detached or rowhouse units. Rather, it will be left to each municipality to determine the requirements where conversions will be permitted.

In addition, the Province is proposing to amend the Municipal Act to enable municipalities to establish a system for registration for both new and existing accessory apartments.

Existing accessory apartments will be "grandfathered" and will continue as permitted uses provided that the accessory apartment was permitted under Bill 120. In order to be "grandfathered", the units must have met municipal zoning by-laws, as modified by Bill 120 (eg provision of required parking).

Prior to the enactment of Bill 120, the City of Hamilton had adopted the Residential Intensification study and a series of implementing zoning by-law amendments. These changes were developed by Planning Department and Building Department staff to reflect local circumstances in providing for residential intensification opportunities. With the repeal of Bill 120, the conversion of dwellings to create accessory apartments will be subject to the existing requirements of the City of Hamilton Zoning By-law.

7. Zoning By-laws

The Province, under the provisions of Bill 163, had previously amended the Planning Act to utilize zoning by-laws to regulate the use of land associated with contaminated or sensitive areas, natural features and areas, or the site of significant archaeological resources. Specifically, municipalities would have been able to pass zoning by-laws to zone land as "No Development" Zones to regulate the use of land associated with the following features:

- ground-water recharge areas;
- head-water areas;
- significant wildlife habitat;
- wetlands, woodland, ravine, valley or area of natural and scientific interest;
- significant corridor or shoreline of a lake, river or stream;
- significant natural corridor, feature or area;
- site of a significant archaeological resource; or,
- contaminated sites.

With the exception of significant archaeological resources, the Province is proposing to repeal those aforementioned zoning powers regarding contaminated lands and natural areas and features.

In keeping with the intent to streamline and standardize development review time frames, Bill 20 will amend the Planning Act such that the OMB may refuse to consider an appeal if the appellant did not make oral or written submissions at or prior to the required public meeting. This provision was introduced for OPAs and Plans of Subdivision in Bill 163. At the required public meeting, the City must ensure that information is made available regarding the power of the OMB to dismiss an appeal if the appellant did not make a submission prior to Council decision.

8. Provincial Appeals

As part of the revisions to the Planning Act, where a Provincial Ministry has objections to a proposed development, then that Ministry will have to request the Minister of Municipal Affairs and Housing to appeal the matter to the Ontario Municipal Board. Direct appeals by a Provincial Ministry to the OMB will not be permitted. For example, the Ministry of Environment and Energy or the Ministry of Natural Resources could not appeal a matter to the Ontario Municipal Board. Rather, the ministries would have to request that the Minister of Municipal Affairs and Housing review the matter and make a decision as to whether or not it should be referred to the OMB.

9. Public Meetings - Consent Applications

As per subdivision applications, the Province is proposing to revise the Planning Act to remove the requirement for a public meeting for consent (severance) applications. Rather, municipalities will only be required to give notice of an application for consent if the requirement is prescribed by Ontario Regulation.

SYNOPSIS OF PROPOSED CHANGES TO PROVINCIAL POLICIES:

In addition to revising the Planning Act, the Province is also proposing to replace the "Comprehensive Set of Policy Statements" (CSPS) document with an abbreviated set of policies issued under the title "Provincial Policy Statement" (PPS). Succinctly, the PPS differs from the CSPS in that whereas the CSPS focused on environmental protection by promoting densification, the PPS, in keeping with the intent of Bill 20, is oriented towards facilitating development activity.

The PPS document is organized into four parts (purpose; principles; policies; and, implementation). The principles section of the PPS states:

"Ontario's long term economic and environmental health depends on:

1. Promoting efficient development and land use which stimulate economic growth while protecting the environment and public health.
2. Protecting resources for their economic and environmental benefits.
3. Reducing the potential for long term public cost or risk to Ontario's residences by directing development away from areas where there is a risk to public health or safety or of property damage."

Many of the policies that were in the CSPA have been deleted and other policies have been amended. The major changes proposed are:

- the requirement that municipalities provide opportunities for 30% affordable housing in residential areas has been deleted;
- whereas the overall philosophy behind the CSPA was to direct growth to existing urban areas such as the City of Hamilton, the PPS will allow for continued urban sprawl which may result in the diversion of investment from central cities to other portions of the Province;
- the prohibition on development on lands classified as "specialty crop lands" (ie tender fruit lands) has been removed which will facilitate the expansion of urban areas along the Niagara Peninsula;
- the previous Provincial Policy Statement "Wetlands", which was incorporated into the CSPA, which prohibited development within a buffer zone around the wetland, has been replaced by a general prohibition on development in "significant portions of the habitat of endangered and threatened species, and in significant wetlands south and east of the Canadian Shield"; and,
- the requirement that planning decisions promote pedestrian access and the vibrancy of downtowns has been removed.

The PPS is approximately half the length of the CSPA. Furthermore, combined with the change to Section 3 of the Planning Act, municipalities will have significantly greater autonomy in local planning decisions.

SYNOPSIS OF PROPOSED CHANGES TO THE DEVELOPMENT CHARGES ACT:

The Province is in the process of reviewing the Development Charges Act. However, as an interim measure, Bill 20 contains a series of amendments to the Development Charges Act. The proposed changes are to:

- permit municipalities to extend the term of existing development charges by-laws indefinitely;
- prohibit municipalities from enacting new development charge by-laws or amending existing by-laws which have the effect of increasing the total development charge except with approval of the Minister;
- existing municipal development charge by-laws may be extended and/or reduced notwithstanding the maximum five year term specified in the Development Charges Act; and,

- enhance municipal accountability in accounting and reporting of development charge revenues and expenditures.

The proposed changes will restrict the imposition of new development charge by-laws unless said by-laws are approved by the Minister. The Province is reviewing the Development Charges Act with the intent of limiting development charges to "**hard services**". The Province has advised that the purpose of the review is to:

- "• review the scope of items for which municipalities are currently authorized to collect development charges;
- assess concerns that the construction of affordable housing is adversely affected by development charges;
- seek a more equitable basis for sharing costs between new and existing taxpayers;
- address technical and administrative issues related to the existing Act."

The Province has advised that the review is being undertaken "with a view to returning charges to their initial purpose of financing hard services". The Province has indicated that they are in the process of preparing a new Development Charges Act for introduction in Fall, 1996. When the new Development Charges Act comes into effect, the Province has advised that the Act will contain a "sunset" clause for existing municipal development charges.

PLANNING COMMENTS:

The package of planning reforms released by the Minister of Municipal Affairs and Housing revises many elements of the previous reforms contained in Bill 163. Rather than repealing Bill 163, the Province has proposed a series of amendments to the Planning Act intended to further streamline the approvals process and promote economic growth while still providing for environmental protection. As a result of demographic changes and the on-going lack of consumer confidence, it is unlikely that these changes alone will be enough to stimulate real estate development activity. However, it is noted that many of the proposed changes to the Planning Act will restore local autonomy in decision making.

SR/sr

Bill20.2nd

EXPLANATORY NOTE

PART I PLANNING ACT

Numerous changes are made to the planning process. The major changes are as follows:

1. The definition of "public body" has been limited in scope for the purpose of filing appeals and may be further limited by regulation. (Section 1 of the Bill)
2. The power to prescribe "other matters" to be of provincial interest for the purpose of section 2 has been removed. (Section 2 of the Bill)
3. The criteria for exercising any authority that affects planning matters has been changed to "have regard" to policy statements from the previous "be consistent with" standard. (Section 3 of the Bill)
4. The power of the Minister to exempt a plan or proposed official plan amendment from an approval by an approval authority cannot be delegated to council or further delegated by council. (Sections 4 and 5 of the Bill)
5. The Minister is given the power to delegate his or her powers to a planning board without its request if the board has an official plan. (Section 4 of the Bill)
6. Subsections 16 (2), (3) and (4) of the Act (which disallow any provision in an official plan that would prohibit the erection or use of two-unit residential houses) have been repealed. (Section 8 of the Bill). Other provisions in the Act dealing with two-unit residential houses have also been repealed (8 (2), 19 (1), 21, 29 (5) of the Bill.) The repealed provisions continue to apply to houses that contained two residential units on November 16, 1995. (Section 45 of the Bill)
7. The power to prescribe the contents of official plans, in addition to those set out in section 16 of the Act, has been removed. (Section 8 of the Bill)
8. Section 17 of the Act is repealed and replaced. Counties that are covered by an official plan that comes into effect on or after the amendments to the *Planning Act* come into force, will become the approval authority with respect to the plans of local municipalities and amendments to their official plans.

The Minister is authorized to exempt plans and official plan amendments from his or her approval. The Minister can authorize other approval authorities to exempt plans and amendments covering land within their jurisdiction from their approval.

A plan that is adopted by council and that is exempted from approval may be appealed to the Municipal Board for a final decision.

A plan that is not exempt from approval can be appealed to the Municipal Board after 90 days from the day it is received by the approval authority. (Section 9 of the Bill)

NOTES EXPLICATIVES

PARTIE I LOI SUR L'AMÉNAGEMENT DU TERRITOIRE

De nombreuses modifications sont apportées au processus d'aménagement. Les plus importantes sont les suivantes :

1. La portée de la définition de «organisme public» est réduite aux fins de l'interjection d'appels et peut être réduite davantage par règlement. (Article 1 du projet de loi)
2. Le pouvoir de prescrire «d'autres questions» comme étant d'intérêt provincial pour l'application de l'article 2 est supprimé. (Article 2 du projet de loi)
3. Le critère relatif à l'exercice de pouvoirs qui touchent des questions relatives à l'aménagement devient «tenir compte» des déclarations de principes en remplacement de la norme précédente de «conformité» à celles-ci. (Article 3 du projet de loi)
4. Le pouvoir qu'a le ministre de soustraire un plan ou une modification proposée à un plan officiel à l'exigence voulant qu'il soit approuvé par une autorité approbatrice ne peut être délégué à un conseil ou subdélégué par celui-ci. (Articles 4 et 5 du projet de loi)
5. Le ministre est investi du pouvoir de déléguer ses pouvoirs à un conseil d'aménagement en l'absence de demande de ce dernier si le conseil est doté d'un plan officiel. (Article 4 du projet de loi)
6. Les paragraphes 16 (2), (3) et (4) de la Loi (qui ne permettent aucune disposition d'un plan officiel qui interdirait l'édification ou l'utilisation de maisons d'habitation à double logement) sont abrogés. (Article 8 du projet de loi). D'autres dispositions de la Loi qui traitent des maisons d'habitation à double logement sont également abrogées. (Paragraphes 8 (2) et 19 (1), article 21 et paragraphe 29 (5) du projet de loi). Les dispositions abrogées continuent de s'appliquer aux maisons qui contenaient deux unités d'habitation le 16 novembre 1995. (Article 45 du projet de loi)
7. Le pouvoir de prescrire le contenu des plans officiels, outre les éléments énoncés à l'article 16 de la Loi, est supprimé. (Article 8 du projet de loi)
8. L'article 17 de la Loi est abrogé et remplacé. Les comtés visés par un plan officiel qui entre en vigueur à la date d'entrée en vigueur des modifications apportées à la *Loi sur l'aménagement du territoire* ou par la suite, deviennent l'autorité approbatrice à l'égard des plans des municipalités locales et des modifications de leurs plans officiels.

Le ministre est autorisé à soustraire des plans et des modifications des plans officiels à l'exigence voulant qu'ils soient approuvés par lui. Le ministre peut autoriser d'autres autorités approbatrices à soustraire des plans et des modifications visant les terrains qui relèvent de leur compétence à l'exigence voulant qu'ils soient approuvés par elles.

Le plan qui est adopté par un conseil et qui est soustrait à l'exigence voulant qu'il soit approuvé peut faire l'objet d'un appel devant la Commission des affaires municipales aux fins d'une décision définitive.

Le plan qui n'est pas soustrait à l'exigence voulant qu'il soit approuvé peut faire l'objet d'un appel devant la Commission des affaires municipales après que 90 jours se sont écoulés depuis le jour de la réception du plan par l'autorité approbatrice. (Article 9 du projet de loi)

9. The time frames for appeal rights to be established at different steps in the processing of requests for amendments to official plans have been reduced. There is a right to appeal to the Municipal Board if the council or planning board does not make a decision on a request for an amendment within 90 days after the day the request is received. (Section 13 of the Bill)
10. The authority of a council to prohibit all uses of land or the construction of all classes of buildings is removed. (Section 20 of the Bill)
11. A municipality may pass a by-law to require that applicants for amendments to zoning by-laws submit all the information or material that is prescribed.

If the prescribed material or information is not provided, the council may refuse to accept or further consider an application and the time period before a right of appeal to the Municipal Board will arise does not begin. (Section 20 of the Bill)

The Municipal Board is given the power to dismiss an appeal if the appellant has not provided the council with oral or written submissions before the by-law is passed. (Section 20 of the Bill)

12. Local municipalities may require the conveyance of land for a public transit right of way as a condition of the approval of a site plan if this is provided for in the official plan. (Section 24 of the Bill)
13. The provisions dealing with minor variance applications and other applications under section 45 of the Act have been changed. Council may act as the committee of adjustment or delegate to the committee. Decisions of council (or committee of council) are final.
- There is no longer an automatic right to appeal a decision of the committee of adjustment. The council has the option of reviewing the decision and confirming, varying or rescinding the committee's decision or sending the matter to the Ontario Municipal Board for it to be heard as an appeal. The Board can recover the costs of conducting the hearing from the municipality. (Section 26 of the Bill)
14. The Township of Pelee in the County of Essex is assigned the authority to give consents. Consequently, it is also given the authority to approve the exercise of power of sale and foreclosure and the authority to issue certificates for the validation of title. (Section 28 of the Bill)
15. Municipalities that have the authority to approve plans of subdivision are also given the authority to approve by-laws exempting lands from part lot control. An approval is not required if the council that passes the by-law also has the authority to approve plans of subdivision covering the same land. (Section 28 of the Bill)
16. Several counties are assigned the authority to approve plans of subdivision that cover lands within their jurisdiction.

Other counties will be given the authority to approve plans of subdivision once all or part of a plan that covers all of the county comes into effect as the official plan. This date cannot be sooner than the day that this amendment to the *Planning Act* comes into force. (Section 29 of the Bill)

9. Les délais prévus qui doivent s'écouler avant que ne soient conférés des droits d'appel à diverses étapes du traitement des demandes de modification des plans officiels ont été réduits. Il peut être interjeté appel devant la Commission des affaires municipales si le conseil ou le conseil d'aménagement ne prend pas de décision à l'égard d'une demande de modification dans les 90 jours qui suivent le jour de réception de la demande. (Article 13 du projet de loi)
10. Le pouvoir d'un conseil d'interdire toutes les utilisations du sol ou la construction de toutes les catégories de bâtiments est supprimé. (Article 20 du projet de loi)
11. Une municipalité peut adopter un règlement municipal exigeant que les auteurs de demandes de modifications des règlements municipaux de zonage présentent les renseignements et les documents prescrits.

Si les documents ou les renseignements prescrits ne sont pas fournis, le conseil peut refuser une demande ou refuser d'en poursuivre l'examen et le délai prévu qui doit s'écouler avant que ne soit conféré le droit d'interjeter appel devant la Commission des affaires municipales ne commence pas à courir. (Article 20 du projet de loi)

La Commission des affaires municipales est investie du pouvoir de rejeter un appel si l'appellant n'a pas fourni d'observations orales ou écrites au conseil avant l'adoption du règlement municipal. (Article 20 du projet de loi)

12. Les municipalités locales peuvent exiger la cession d'un terrain au titre de l'emprise des transports en commun comme condition à l'approbation d'un plan d'implantation si ceci est prévu dans le plan officiel. (Article 24 du projet de loi)
13. Les dispositions traitant des demandes de dérogation mineure et d'autres demandes visées à l'article 45 de la Loi ont été modifiées. Le conseil peut agir à titre de comité de dérogation ou peut accorder délégation à ce comité. Les décisions du conseil (ou du comité du conseil) sont définitives.

Le droit d'appel automatique d'une décision du comité de dérogation n'existe plus. Le conseil peut soit réviser la décision du comité et la confirmer, la modifier ou l'annuler, soit transmettre l'affaire à la Commission des affaires municipales de l'Ontario pour qu'elle l'entende comme un appel. La Commission peut recouvrer de la municipalité les frais relatifs à la tenue de l'audience. (Article 26 du projet de loi)

14. Le canton de Pelee dans le comté d'Essex est doté du pouvoir d'accorder des autorisations. En conséquence, il est également doté du pouvoir d'approuver l'exercice du pouvoir de vente et la forclusion et de délivrer des certificats de validation de titre. (Article 28 du projet de loi)
15. Les municipalités qui ont le pouvoir d'approuver des plans de lotissement sont dotées du pouvoir d'approuver des règlements municipaux soustrayant des terrains à la réglementation de parties de lots. L'approbation n'est pas nécessaire si le conseil qui adopte le règlement municipal a également le pouvoir d'approuver les plans de lotissement qui visent le même terrain. (Article 28 du projet de loi)
16. Plusieurs comtés sont dotés du pouvoir d'approuver des plans de lotissement qui visent des terrains relevant de leur compétence.

D'autres comtés auront le pouvoir d'approuver des plans de lotissement une fois que la totalité ou une partie d'un plan qui vise la totalité du comté entre en vigueur à titre de plan officiel. Cette date ne peut être antérieure au jour de l'entrée en vigueur de cette modification à la *Loi sur l'aménagement du territoire*. (Article 29 du projet de loi)

17. The authority to require that a public meeting in respect of a proposed plan of subdivision be held is removed. Notice of an application will only be required to be given if this is prescribed. (Section 29 of the Bill)
 18. If no decision is made by the approval authority any person or public body may file an appeal in respect of a proposed plan of subdivision 90 days after the application is submitted. (Section 29 of the Bill)
 19. The authority to require that a public meeting be held in respect of a consent to sever land is removed. Notice of an application for a consent will only be required to be given if this is prescribed. (Section 30 of the Bill)
- If no decision is made, any person or public body may file an appeal in respect of a request for a consent 60 days after the application is submitted. (Section 30 of the Bill)
20. Any matter or proceeding that was commenced on or after March 28, 1995 but before the amendments set out in this Bill come into force shall be completed according to the same process under which it was commenced.

However, if no decision has been made in respect of the matter or proceeding, then the "have regard to" standard in subsection 3 (5) regarding policy statements will apply to the exercise of any authority instead of the requirement that a decision be "consistent with" the policy statements. A decision includes the adoption of a plan by council or the passing of a by-law. (Section 44 of the Bill)

PART II OTHER AMENDMENTS

ASSESSMENT ACT

Section 53 of the *Assessment Act*, which deals with the disclosure of information, is repealed. The new section 53 prohibits the employees of the Ministry of Finance, a municipality and a school board from disclosing any actual income and expense information on individual properties that is acquired in the course of their duties. Previously the prohibition was against disclosing information furnished by any person under section 10 or 11 of the Act (obtained under a power of entry or by virtue of a required questionnaire).

DEVELOPMENT CHARGES ACT

The Act is amended to provide that a development charge by-law or amendment thereto, except an amendment which reduces the amount of a charge or eliminates a term of a by-law, does not come into force until it is approved by the Minister of Municipal Affairs and Housing. The Minister has absolute discretion to approve a by-law or amendment in whole or in part. (Sections 48, 49 and 52 of the Bill)

The right to appeal a by-law to the Ontario Municipal Board and the maximum term of a by-law have been eliminated. (Sections 49 and 51 of the Bill)

These provisions are made retroactive to November 16, 1995. (Section 74 of the Bill)

MUNICIPAL ACT

The new section 207.3 of the *Municipal Act* authorizes municipalities to pass by-laws providing for the registration of houses which contain two residential units. The by-law may prohibit the use or occupancy of more than one residential unit in a two-unit house unless the house is registered. As a condition of registration, the by-law may require that

17. Le pouvoir d'exiger la tenue d'une réunion publique à l'égard d'un plan de lotissement proposé est supprimé. L'avis d'une demande ne doit être donné que s'il est prescrit de le faire. (Article 29 du projet de loi)
 18. Si aucune décision n'est prise par l'autorité approbatrice, une personne ou un organisme public peut déposer un appel à l'égard d'un plan de lotissement proposé 90 jours après que la demande est présentée. (Article 29 du projet de loi)
 19. Le pouvoir d'exiger la tenue d'une réunion publique à l'égard d'une autorisation de séparer un terrain est supprimé. L'avis d'une demande d'autorisation ne doit être donné que s'il est prescrit de le faire. (Article 30 du projet de loi)
- Si aucune décision n'est prise, une personne ou un organisme public peut déposer un appel à l'égard d'une demande d'autorisation 60 jours après que la demande est présentée. (Article 30 du projet de loi)
20. Les affaires ou procédures introduites le 28 mars 1995 ou par la suite, mais avant l'entrée en vigueur des modifications énoncées dans le projet de loi, doivent être réglées conformément au même processus que celui selon lequel elles ont été introduites.

Cependant, si aucune décision n'a été rendue à l'égard de l'affaire ou de la procédure, la norme prévue au paragraphe 3 (5) qui exige de «tenir compte» des déclarations de principes s'applique à l'exercice des pouvoirs, et non la norme exigeant qu'une décision soit «conforme» aux déclarations de principes. Une décision comprend l'adoption d'un plan par un conseil ou l'adoption d'un règlement municipal. (Article 44 du projet de loi)

PARTIE II AUTRES MODIFICATIONS

LOI SUR L'ÉVALUATION FONCIÈRE

L'article 53 de la *Loi sur l'évaluation foncière*, qui traite de la divulgation de renseignements, est abrogé. Le nouvel article 53 interdit aux employés du ministère des Finances, des municipalités et des conseils scolaires de divulguer les renseignements qu'ils obtiennent dans l'exercice de leurs fonctions sur les dépenses et le revenu réels de biens immeubles individuels. Auparavant, il était interdit de divulguer des renseignements fournis par quiconque aux termes de l'article 10 ou 11 de la Loi (obtenus grâce à un pouvoir d'entrée ou au moyen d'un questionnaire exigé).

LOI SUR LES REDEVANCES D'EXPLOITATION

La Loi est modifiée de façon à prévoir qu'un règlement municipal prévoyant l'imposition de redevances d'exploitation ou qu'une modification à un tel règlement, à l'exception d'une modification qui réduit le montant d'une redevance ou élimine la durée d'application d'un règlement municipal, n'entre pas en vigueur tant que le ministre des Affaires municipales et du Logement ne l'a pas approuvé. Le ministre a entière discrétion pour approuver la totalité ou une partie d'un règlement municipal ou d'une modification. (Articles 48, 49 et 52 du projet de loi)

Le droit d'interjeter appel d'un règlement municipal devant la Commission des affaires municipales de l'Ontario et la durée d'application maximale d'un règlement municipal sont supprimées. (Articles 49 et 51 du projet de loi)

Ces dispositions sont rétroactives au 16 novembre 1995. (Article 74 du projet de loi)

LOI SUR LES MUNICIPALITÉS

Le nouvel article 207.3 de la *Loi sur les municipalités* autorise les municipalités à adopter des règlements municipaux prévoyant l'enregistrement de maisons qui contiennent deux unités d'habitation. Le règlement municipal peut interdire l'utilisation ou l'occupation de plus d'une unité d'habitation dans une maison à

two-unit houses meet specified standards. Inspectors are authorized to enter two-unit houses, before registration, to ensure they meet these standards.

ONTARIO HERITAGE ACT

The amendments to the *Ontario Heritage Act* are as follows:

1. The Conservation Review Board is authorized to conduct a pre-hearing conference, by electronic means, whenever a hearing is required.
2. In every case where a person may apply or object so that a hearing must be held by the Conservation Review Board, that person is permitted to withdraw the application or objection at any time before the conclusion of the hearing.
3. Section 67 of the Act is amended so that notices are no longer required to be published for three consecutive weeks.
4. The Minister is no longer required to consult the Ontario Heritage Foundation before granting, renewing, suspending or revoking a licence to carry out archaeological work under section 48 of the Act.

CONSEQUENTIAL AMENDMENTS

Consequential amendments are made to the *Environmental Protection Act*, the *Residential Housing Protection Act* and the *Regional Municipalities Act* to reflect the changes made to the *Planning Act*.

double logement à moins que la maison ne soit enregistrée. Comme condition d'enregistrement, le règlement municipal peut exiger que les maisons à double logement respectent des normes précises. Des inspecteurs sont autorisés à pénétrer dans des maisons à double logement, avant l'enregistrement, pour s'assurer qu'elles respectent ces normes.

LOI SUR LE PATRIMOINE DE L'ONTARIO

Les modifications apportées à la *Loi sur le patrimoine de l'Ontario* sont les suivantes :

1. La Commission des biens culturels est autorisée à tenir une conférence préparatoire à l'audience, par des moyens électroniques, chaque fois qu'une audience est exigée.
2. Dans tous les cas où une personne peut présenter une demande ou une opposition de sorte que la Commission des biens culturels doive tenir une audience, la personne est autorisée à retirer sa demande ou son opposition à n'importe quel moment avant la fin de l'audience.
3. L'article 67 de la Loi est modifié de sorte qu'il n'est plus nécessaire de faire publier les avis pendant trois semaines consécutives.
4. Le ministre n'est plus tenu de consulter la Fondation du patrimoine ontarien avant d'accorder, de renouveler, de suspendre ou de révoquer une licence pour entreprendre des travaux archéologiques aux termes de l'article 48 de la Loi.

MODIFICATIONS CORRÉLATIVES

Des modifications corrélatives sont apportées à la *Loi sur la protection de l'environnement*, à la *Loi sur la protection des logements locatifs* et à la *Loi sur les municipalités régionales* afin de refléter les modifications apportées à la *Loi sur l'aménagement du territoire*.

3

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 January 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT:

- Second Real Properties Limited, Lessee, Lloyd D. Jackson Square
- Application by Lessee for approval to grant leasehold mortgage

RECOMMENDATION:

That in accordance with the provisions of the City's Ground Lease to the Lessee, Second Real Properties Limited, (formerly Second Phase Civic Square Limited), the City, as Lessor, grant its approval to a second mortgage of the Ground Lease being made by our Lessee, as borrower, in favour of Royal Trust Corporation of Canada, Mortgagee, in the amount of five million dollars, at an interest rate not exceeding 9%, for a term of five years, subject to the following conditions:

- (a) That the Leasehold Mortgage is subject to the rights of the City as Lessor under the Ground Lease dated 1975 November 19, entered into between the City as Lessor and Second Real Properties Limited as Lessee; and
- (b) That the five million dollar Mortgage shall be a second mortgage in favour of Royal Trust Corporation of Canada, Trustee for The Standard Life Assurance Company; and
- (c) That Royal Trust Corporation of Canada and Second Real Properties Limited, (together with its two assignees, Masbro Development Limited and Second Phase Enterprises Inc.,) enter and deliver to the City;
 - (i) the City's Lloyd D. Jackson Square Consent to Mortgage Agreement, in which the Mortgagee agrees to be bound by the Ground Lease if it were to take over the Lease;
 - (ii) an Undertaking to the City to abide by the obligations of Second Real Properties Limited under the Hotel Interface Agreement dated 1984 July 30; and
- (d) That the Mayor and City Clerk be authorized to execute the City's Consent Agreement in a form satisfactory to the City Solicitor. The Agreement shall be registered on title to the premises leased from the City by the Lessee.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The City is neither lending any funds nor assuming any debts, but granting its approval as landlord, to our long term Lessee borrowing funds from the Royal Trust Corporation of Canada.

BACKGROUND:

Under the 1975 November 19 Ground Lease between the City, as Lessor, and Second Real Properties Limited, as Lessee, of the Jackson Square premises known municipally as 110 King Street West, the Lessee's mortgages of its Lease are subject to the approval of the City, as Lessor.


The City's Lessee is required by the Ground Lease (section 16.01 (a) & (e) to have the prospective Mortgagee enter into an Agreement with the City agreeing to comply with the obligations of our Lease in the event it were to take over the Lessee's leasehold interest in the Lease. In 1992, with Council approval, our Lessee assigned its Lease to its two primary shareholders Masbro Development Limited and Second Phase Enterprises Inc. In 1995, our Lessee also changed its corporate name to Second Real Properties Limited.

The Director of Property & Co-ordinator, Lloyd D. Jackson Square, D. W. Vyce, has also reviewed the Lessee's application for this approval and concluded that there is sufficient equity in the leasehold property (after deducting the value of the proposed second mortgage and the balance owing on the existing first mortgage) to ensure the Lessee's ability to pay the rent due the City under the Ground Lease and that the proposed financing, together with the existing first mortgage, is not unreasonable. The borrowed funds are for the general business purposes of the Lessee, including: tenants' incentives and ongoing maintenance/upgrades of the mall to maintain its first class condition.

The Treasury Department has confirmed that the rent payable to the City, including realty taxes, is in good standing.

The 1975 Ground Lease of this second phase in Jackson Square did not permit the Lessee to grant a second mortgage of its Lease. However, subsequent long term Ground Leases in Jackson Square permit second mortgages and Council has approved second mortgages by our Jackson Square Lessees. This Lessee wishes to retain its existing first mortgage terms and register a second mortgage rather than refinance its funds in a new first mortgage. The proposed five million dollar second mortgage is recommended above for approval as the total borrowing on the security of this leasehold is, in the opinion of the Director of Property, not unreasonable.

 PNJ/DAP:js

c.c. D. W. Vyce, Director of Property
& Co-ordinator, Lloyd D. Jackson Square 

CITY OF HAMILTON
- RECOMMENDATION -

4

DATE: 1996 January 19

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

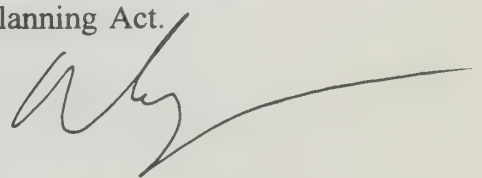
FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of: 266 - 280 KING STREET EAST
Tag Number 95740 (96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit, as per Section 33 Chapter 1(7) of The Planning Act for the building located at 266 - 280 King Street East in accordance with By-Law 74-290 subject to the following conditions:

- a) That the new building to be substantially completed on the site not less than two years from the day demolition of the existing residential property is commenced; and,
- b) That failure to complete the new building within the time specified, the City shall collect the maximum sum of \$20,000. for each of the 17 dwelling units in a like manner as municipal taxes. The condition for redevelopment shall be registered on title in accordance with the provisions of the Planning Act.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H - "H"/S-1189 (Map E-4)

PRESENT USE: Residential/Commercial

PROPOSED USE: Residential/Commercial

BRIEF DESCRIPTION:

Owner wishes to demolish the existing 3½ storey brick building. The building is vacant now and is in poor condition. Owner wishes to erect a building containing commercial and residential units. Due to the condition and deterioration of the building, the owner wishes to waive the requirements of Demolition Control By-Law for the Central Area which requires a building permit to be issued prior to the issuance of the demolition permit for the subject property. Copy of the owner's letter is attached.
LACAC interest. Lot size 165' x 175.75'.

The owner of the property as per the demolition permit is:

Spallacci & Sons Ltd
85 Lancing Drive, Unit Q
Hamilton On L8W 2Z9

 ND/zr

CITY OF HAMILTON
- RECOMMENDATION -

5

DATE: 1996 January 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Hazel Milsome, Secretary
Greater Hamilton Downtown Community Development
Corporation's Founding Board

SUBJECT: Residential Conversion of Non-residential Buildings in
the Central Business District.

RECOMMENDATION:

1. That the Planning Department staff be directed to schedule a Public Meeting, in accordance with the requirements of the Planning Act, to consider a City Initiative to amend Zoning By-law No. 6593 to allow for the conversion of non-residential buildings, above the ground floor, within the Central Business District to residential uses without required parking.

Hazel Milsome

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staffing implications to be determined by the Director of the Planning Department.

BACKGROUND:

At its meeting held 1996 January 15 the Greater Hamilton Downtown Community Development Corporation's Founding Board discussed a number of initiatives that would encourage residential development within Hamilton's downtown core. The Board also discussed existing impediments one of which was the present parking requirements for buildings converted to residential uses within the Central Business District.

The Planning Department provided the following information to the Board that was the basis for the above recommendation:

Currently, within the Central Business District, parking for Commercial, Public and Institutional uses are **reduced** (see Appendix 'A' - Area 'B') or **not required** (see Appendix 'A' - Area 'A'), whereas it is only **reduced** for multiple Residential development (see Appendix 'B' - Area 'A' 0.8 space/unit - Area 'B' 1.0 space/unit vs. 1.25 spaces/unit).

Although the reduced standards for multiple residential uses may be an incentive for new development, it has been cited as a deterrent for the conversion of existing building stock. More specifically, most of the vacant commercial buildings in the Central Business District were built without the provision of parking. Consequently, even reduced standards become an impediment to residential conversion.

From a Planning perspective, it would be appropriate to eliminate the parking requirement for residential conversions where they occur within the same area as they are eliminated for Commercial, Public and Institutional uses (see Appendix 'A' - Area 'A'). This initiative is supported by the following factors:

- **Planning Policies**

The thrust of current planning policy is to **"strengthen the residential function of this area"** (Official Plan policy 2.9.3.1 i); to encourage residential conversions, particularly **"where commercial space is under utilized, which may include upper floors of retail space"** (Central Area Plan policy 4.1.8); and to actively encourage residential development **"through actions taken by Council which may include special incentives"** (Central Area Plan policy 4.1.7).

- **Accessibility to Transit and Parking**

The subject area has access to a high level of transit service, and is readily accessible from both public and private parking lots.

- **Location**

The boundaries for the proposed "0" parking area includes the focus area for the Greater Hamilton Community Development Corporation.

- **Sustainable Development**

The establishment of an "0" parking area as an incentive to encourage the residential conversion of non-residential buildings in the Central Business District, would be supportive of the goals and strategies respecting the implementation of Vision 2020.

Strategies Include:

Develop in co-operation with the area municipalities, an initiative to encourage increased residential development above commercial strips along transit corridors.

- **Parking Policy Trends**

Based on Planning Departmental survey findings, it would appear that current Parking Policy Trends are intended to reduce parking requirements for residential uses within Central Business District's, and to promote public transit usage.

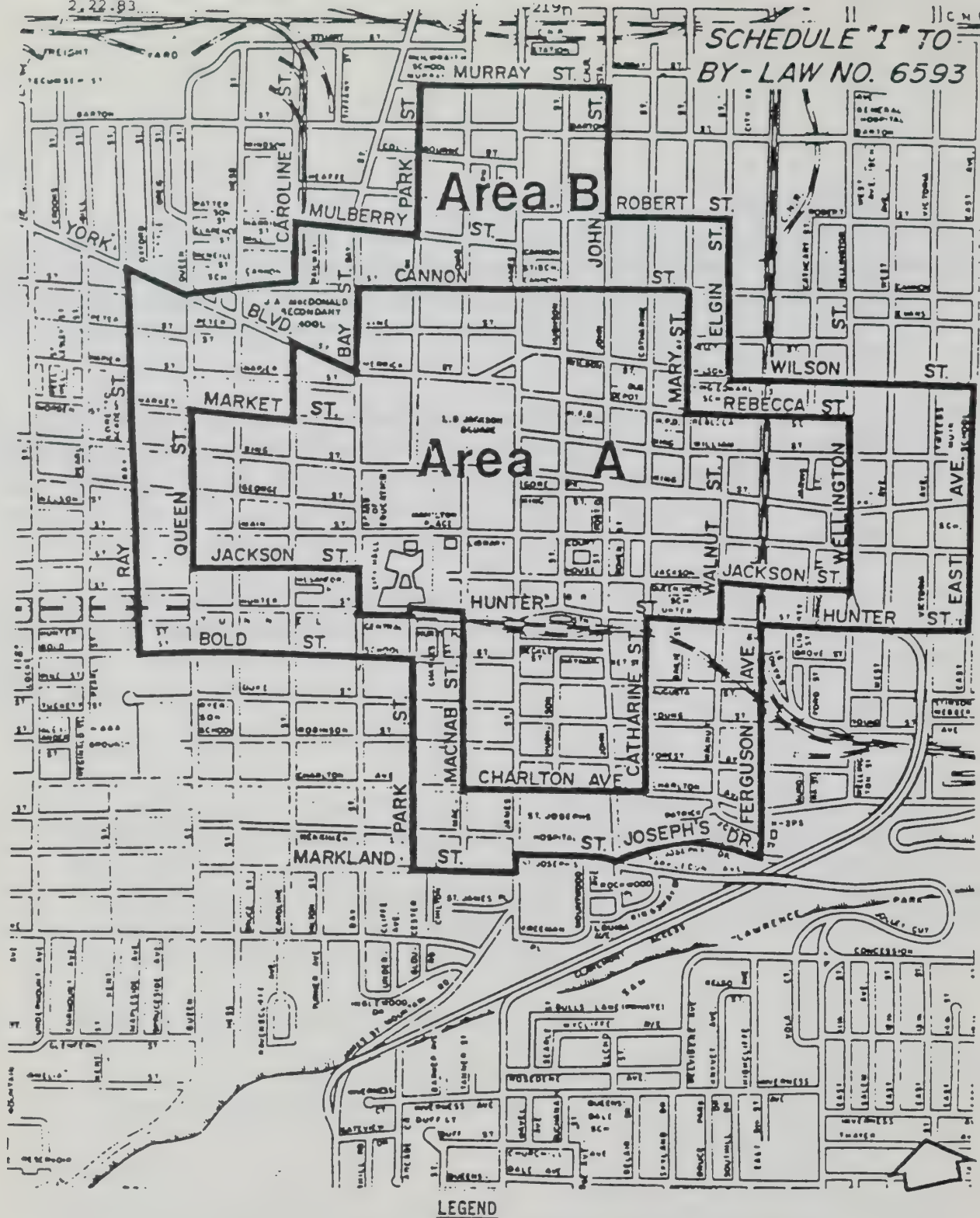
- **Market Conditions**

Regardless of whether or not there is a parking requirement for this area, it has been our experience that developers will provide parking to satisfy market conditions.

HM:BJ:hm

Attach 's.

c.c. Victor Abraham, Director of the Planning and Development Department



Bill No. D-33

This is Schedule "A" to By-law No. 63-66 passed the 22nd day of February, 1983.

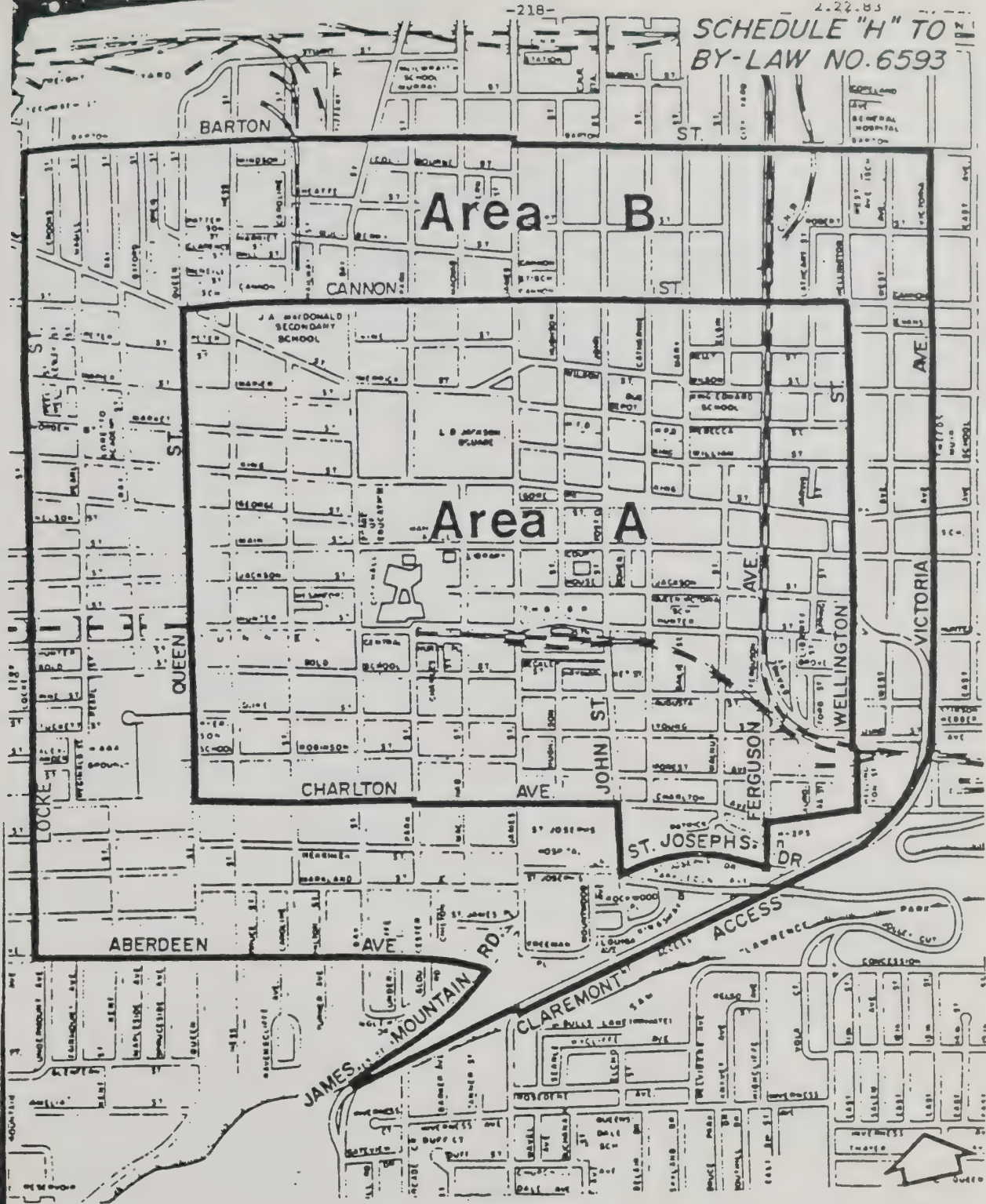
THE CORPORATION OF THE CITY OF HAMILTON

E.A. Lupton
City Clerk

W. Munro
Mayor

APPENDIX A

SCHEDULE "H" TO
BY-LAW NO. 6593



LEGEND

— Delineates boundary of those areas in which parking requirements for Multiple Residential uses are reduced.

Bill No. D-33

This is Schedule "A" to By-law No. 83-66 passed the 22nd day of February, 1983.

[Signature]
City Clerk

THE CORPORATION OF THE CITY OF HAMILTON
[Signature]
Mayor

APPENDIX B

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 January 24

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF THE MINUTES

- i) Minutes of the Planning and Development Committee for its Special Meeting held 1995 December 12
- ii) Minutes of the Planning and Development Committee for its Meeting held 1995 December 6

B. BUILDING COMMISSIONER

- i) 387 Barton Street East - Commercial Loan Program
- ii) 353 Barton Street East - Commercial Property Improvement Loan Program
- iii) 397 Barton Street East - Commercial Property Improvement Loan Program
- iv) 146 Berkindale Drive - Hamilton Emergency Loan Program
- v) 34 Franklin Avenue - Hamilton Emergency Loan Program
- vi) 74 Burlington Street East - Hamilton Emergency Loan Program
- vii) 211 Beach Boulevard - Demolition

C. CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING AND DEVELOPMENT

- i) Authorization for Staff Attendance at an Ontario Municipal Board Hearing, A-95-236, 110 Bowman Street
- ii) Authorization for Staff Attendance at an Ontario Municipal Board Hearing, A-95-257, 400 Queensdale Avenue East (Inch Park Arena)

- iii) Ontario Municipal Board Hearing - 43 Albermarle Street
- iv) Extension of Draft Plan Approval "Battleridge" Subdivision (File No. 25T-76024).

D. SENIOR DIRECTOR, TRANSPORTATION/ENVIRONMENTAL SERVICES GROUP

"Eleanor Heights Addition - Phase 2", Hamilton - Cash Payment in Lieu of 5% Parkland Dedication

E. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

- i) Westdale Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1996
- ii) Concession Street B.I.A. - Proposed Budget and Schedule of Payments for 1996

F. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

CN Station - Heating of Building

G. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

1995 December 12th
6:15 o'clock p.m.
Room 233, City Hall

A Special Meeting of the Planning and Development Committee was held.

There were present: Alderman D. Drury, Chairman
Alderman F. Eisenberger
Alderman M. Caplan
Alderman W. McCulloch
Alderman G. Copps

A(:)

Regrets: Mayor Robert M. Morrow - City business
Alderman B. Charters - City business
Alderman H. Merling - City business
Alderman F. D'Amico - City business

Also present: Alderman D. Ross
L. King, Building Commissioner
B. Janssen, Planning
V. Abraham, Director of Planning and Development
Susan K. Reeder, Acting Secretary

The Committee agreed to suspend Section 3(a) of the City's Procedural By-law 95-167 respecting the written notice of meeting, in order to allow consideration of the Agenda.

1. **DIRECTOR OF PLANNING AND DEVELOPMENT - Proposed Draft Plan of Condominium by L.A.J.J. Enterprises Inc., 5-7 Rockwood Place, 9-11 Rockwood Place, 21-25 Mountwood Avenue, 362-366 John Street South - Corktown Neighbourhood**

The Committee was in receipt of a report from the Director of Planning and Development and the Chief Administrative Officer respecting the above-noted matter.

The Director of Planning and Development outlined the report, and advised that the condition required by City Council at its meeting held 1994 July 26th, in approving the application, have now been met.

The Committee then approved the following:

- (a) That approval be granted to application CDM-CONV-95-010 submitted by L.A.J.J. Enterprises Inc, owner, for a draft plan of condominium located at 5-7 Rockwood Place, 9-11 Rockwood Place, 21-25 Mountwood Avenue, 362-366 John Street South to provide for a condominium comprised of four 4-storey apartment buildings containing 53 individual apartment condominium units, subject to the following conditions:
 - (i) That this approval applies to the draft plan dated February 14, 1995 prepared by Consoli & Jacobs Surveying Ltd as attached hereto and marked as exhibit "A";
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;
 - (iii) That the owner provide a physical barrier to prohibit any further encroachment into the road allowance of Louisa Avenue;

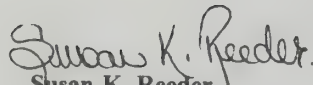
- (iv) That the owner enter into a Paving Agreement(s) from the Region of Hamilton-Wentworth to permit the use of the road allowance of Louisa Avenue for manoeuvring and access to parking;
- (v) That the owner enter into Boulevard Parking Agreement with the City of Hamilton to the satisfaction of the Director of Public Works and Traffic.
- (vi) That the owner enter into an Encroachment Agreement with the City of Hamilton to permit the existing concrete steps and timber retaining wall encroachments.
- (vii) That prior to approval of the final plan,
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and
 - (2) any variances or rezoning required in respect of the draft plan of condominium be approved by the Committee of Adjustment or Council, as the case may be;
- (viii) The owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-93-003);
 - (1) That the owner shall have satisfied all requirements, financial and otherwise of The Regional Municipality of Hamilton-Wentworth and that the City be advised by The Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from The Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
- (ix) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
- (b) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

2. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE


Susan K. Reeder,
Acting Secretary
1995 December 12th

Appendix "A" as referred to in
Section 1(a)(i) of the
TWENTY-FOURTH Report of the
Planning and Development
Committee for 1995



Wednesday, 1995 December 6
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A(ii)

There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R. Morrow
Alderman W. McCulloch
Alderman B. Charters
Alderman M. Caplan
Alderman G. Copps
Alderman F. Eisenberger
Alderman H. Merling

Also present: Alderman T. Jackson
Alderman M. Kiss
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning Department
Eugene Chajka, Transportation and Environmental Services
Roland Karl, Traffic Division
Hazel Milsome, Public Works
Mark Mascarenhas, Housing Department
Dave Powers, Law Office
Tina Agnello, Secretary

1. Draft Plan of Subdivision SAC-95-11 from Vedemo Construction Ltd., Owner for Lands Located West of Donn Road and South of Highridge Avenue in the Riverdale East Neighbourhood

Peter Ashenhurst, Consultant on behalf of the applicant, was present.

Submissions were received by:

- (a) Scott Konkle, Hamilton Region Conservation Authority, Ancaster
- (b) Peter Corradetti, 90 Strawberry Drive, Hamilton

Paul Mallard, of the Planning Department, stated that in 1992 a site plan was approved for the property that has been designated in the neighbourhood plan and is appropriately zoned. He noted that there is provision for a walkway from the H.S.R. and also stated that six small blocks will be dedicated to the City that may or may not be included in the 5% dedication of parkland. All blocks are ravine property.

Mr. Mallard continued by stating that of 75 notices and other notices sent to the residents of the City of Stoney Creek, seven replies were received in favour and 25 opposed.

Mr. Ashenhurst stated that a proposed walkway goes into private land which is zoned commercial. He stated that there will be a cash in lieu proponent to the parkland also.

Alderman Eisenberger stated that he concurs with the development and the recommendation of the Planning Department since the plans have been in place since 1992 and most of the residents have been aware of the plans. However he was concerned with the establishment of a walkway since the City is usually expected to take over these after years have passed. He requested that the approval be amended

to delete the walkway. He also stated that he would like to propose that the six lots of ravine land not be considered parkland for the purposes of cash in lieu.

Alderman Copps concurred with regard to the small parcels not being considered parkland since they will not be usable.

Paul Mallard clarified that at present the recommendation does not include the small parcels as parkland.

The Committee concurred that the 5% for parkland dedication will all be in cash in lieu and that the six small blocks will not be included.

Following discussion, the Committee recommended to Council the recommendation of the Director of Planning and Development dated 1995 November 30 as revised to delete the walkway as follows:

- (a) That approval be given to Subdivision Application 95-11 (Regional File No. 25T-95020), Vedemo Construction Ltd., owner, to establish a draft plan of subdivision "Bow Valley Estates", on lands located west of Donn Avenue and south of Highridge Avenue in the Riverdale East Neighbourhood, as shown on the attached map marked as Appendix "A" subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by Ashenhurst Nouwens Limited and certified by John P. Nouwens, O.L.S., dated August 31, 1995, showing 36 lots for street townhouses, 6 blocks of land below the established top of bank and one street identified as Street "A", as shown on the attached map marked as Appendix "B".
 - (ii) That the Owner establish Street "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision. All works must be completed to the satisfaction of the Senior Director, Roads Department.
 - (iii) That all costs associated with intersection reconstruction of Bow Valley Drive and Highridge Avenue and the reconstruction work required on Bow Valley Drive, north of Highridge Avenue, be the responsibility of the Owner.
 - (iv) That the Owner receive all the necessary approvals required under the Municipal Act to alter Bow Valley Drive, north of Highridge Avenue and the intersection of Highridge Avenue and Bow Valley Drive prior to the development of any portion of these lands. All works must be completed to the satisfaction of the Senior Director, Roads Department.
 - (v) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

- (vi) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:
 - (1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department;
 - (3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.
- (vii) That the owner provide a 1.8 m high chain link fence to be located at the defined top of bank and that the fence be established prior to the development of the subject lands.
- (viii) That the Owner, convey Blocks 1, 2, 3, 4, 5 and 6 to the City of Hamilton.
- (ix) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (x) That the Owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.
- (xi) That the final plan conform with the Zoning By-law approved under the Planning Act.
- (xii) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.
- (xiii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (xiv) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
- (xv) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands.

- (xvi) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95020), Vedemo Construction Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
- (d) That the approved Riverdale East Neighbourhood Plan be amended to add the public highway shown as Street "A" on the draft plan of subdivision upon Draft Plan Approval of the Plan of Subdivision.

2. Sign Posting Requirements for Subdivision Applications

Paul Mallard stated that the purpose of this is to amend in the By-laws the definition in order to add subdivisions and consents to the sign posting requirements.

As recommended by the Director of Planning and Development in a report dated 1995 November 28, the Committee recommended to Council as follows:

- (a) That approval be given to City Initiative 86-L, for a general text amendment to Zoning By-law No. 6593 to amend the definition of "sign, public notice" to include applications for draft plan of subdivision and applications for consent (severance) on the following basis:
- (i) That Subsection 2(2)H(viea) of Zoning By-law No. 6593 be amended by deleting the existing definition of "sign, public notice" and replacing it with the following:
- "sign, public notice" shall mean a sign containing content advertising that an application for an official plan amendment and/or an application for an amendment to Zoning By-law No. 6593 and/or an application for the approval of a plan of subdivision and/or an application for consent has been made, and that the application is, or applications are, being considered by the City of Hamilton."; and,
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- (c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (d) That Council amend its existing policy regarding sign posting requirements for development applications to require that applicants post a sign advising that an application for approval of a draft plan of subdivision or an application for consent has been made. The sign posting requirements for a subdivision application can be combined with the sign for an official plan amendment and/or rezoning application.

3. ALDERMAN T. JACKSON**Zoning By-law - Central Air Conditioners**

Paul Mallard advised that a year ago a Noise Control officer reviewed the present requirements and was satisfied with the status quo. It was determined at that time that if someone needs a variance to the regulations they can approach the Committee of Adjustment.

Willy Wong, of the Building Department, advised that the Heating and Air Conditioning Association has written a letter to him stating that they feel that the By-law is too restrictive.

Alderman Charters suggested that, should the Committee wish to review the situation, a report should be requested. If no review is to be considered then the Committee should not ask for a report. He added that he is a member of the Committee of Adjustment and that Committee should be the vehicle to be approached for variances to the By-law.

Paul Mallard advised that the current regulations were brought into place by Council as a result of complaints with regard to noise impact.

Alderman Jackson stated that the By-law requirement of 2.4 metre side yards seems to be overly restrictive. As a result of this there has been an increased number of variances to the Committee of Adjustment.

Alderman Copps felt enforcement should be upgraded with regard to those air conditioners which do not comply to the By-laws.

Following discussion, the Committee resolved that no action be taken on the matter.

4. BUILDING COMMISSIONER

(a) **Demolition - 30 Norfolk Street North**

(b) **Demolition - 23 Leland Street**

The rules of order were suspended to take the agenda out of order so that these two items could be pulled from the Consent Agenda and dealt with on the regular agenda.

Alderman Kiss submitted a petition and letters with regard to objections to the demolition of the building at 30 Norfolk Street North.

Willy Wong, of the Building Department, advised that in both cases the applicant wants to erect a building under Bill 120. He also advised that there is legislation in the works which may change the conditions of approval of the application. As such, revised recommendations have been brought forward by the Building Commissioner on both applications.

Alderman Kiss stated that the neighbourhood residents prefer not to have either of the buildings demolished. They would like to maintain single-family, affordable housing in the neighbourhood. She stated that demolition is contrary to the Ainsley Neighbourhood Plan.

Alderman Copps concurred and stated that the buildings should be compatible with others in the area.

Alderman McCulloch advised that legally the Committee can only postpone the demolition permit until a proper building permit has been issued in requirement of the City's Zoning By-laws.

Alderman Caplan suggested that before the building permit is issued, it should come back to Committee.

In concurrence with legal advice, Alderman Merling stated that permission to demolish can only be held back until a plan is submitted for a new building.

It was moved and seconded that the revised recommendations for both applications be approved.

Mayor Morrow stated that the residents support McMaster University but there have been abuses of rights by developers in this area. In this case, he stated that the Committee should go out on a limb and say "no". Student housing should be promoted throughout the City, not only in this area. It is not fair to the residents or the students.

Alderman Caplan stated that Bill 120 may affect the ability of the Municipality to handle the situation. He suggested tabling until such time as the Committee has had ample opportunity to review the Legislation.

The tabling motion was placed on the floor and defeated.

Subsequently, the Committee approved the revised recommendations of the Building Commissioner dated 1995 November 27 and recommended to Council as follows:

- (a) That demolition control be applied and the Building Commissioner be authorized to issue a demolition permit for 30 Norfolk Street North, only where a building permit has been issued to erect a new building in accordance with the requirements of Zoning By-Law 6593 on the site of the residential property sought to be demolished.

* A recorded vote was called on the above-noted question:

YEAS	NAYS
Ald. W. McCulloch	Ald. G. Copps
Ald. H. Merling	Ald. M. Caplan
Ald F. D'Amico	Ald. B. Charters
Ald. F. Eisenberger	Mayor R. Morrow
Ald. D. Drury	
5	4
CARRIED	

- (b) That demolition control be applied and the Building Commissioner be authorized to issue a demolition permit for 23 Leland Street, only where a building permit has been issued to erect a new building in accordance with the requirements of Zoning By-Law 6593 on the site of the residential property sought to be demolished.

* A recorded vote was called on the above-noted question:

YEAS	NAYS
Ald. W. McCulloch	Ald. G. Copps
Ald. H. Merling	Ald. M. Caplan
Ald F. D'Amico	Ald. B. Charters
Ald. F. Eisenberger	Mayor R. Morrow
Ald. D. Drury	
5	4
CARRIED	

5. DIRECTOR OF PLANNING AND DEVELOPMENT

Zoning Application 95-25 by Edward Richter, Owner, for a Change in Zoning from "AA" District and "C" District, to "HH" District for Lands Located at 1270 Upper James Street (previously tabled).

Paul Mallard advised that meetings have been held with applicant and neighbours and a solution has been reached which is satisfactory to all parties.

Alderman D'Amico added that the meeting with the proponent and the parties and the neighbours was successful in that a good compromise was reached.

As recommended by the Director of Planning and Development in a report dated 1995 November 14, the Committee recommended to Council a revised recommendation as follows:

- (a) That approval be given to Amended Zoning Application ZAC-95-25, Edward Richter, owner, requesting a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for Blocks "1" and "2", and to modify the established "HH" (Restricted Community Shopping and Commercial) District for Block "3", to permit automobile-related commercial uses, for property located 1270 Upper James Street, as shown on the attached map marked as Appendix "C" on the following basis:
- (i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

- (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (iii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands (Blocks "1", "2" and "3"), be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 14A.(1) of Zoning By-law No. 6593, auto body and fender repair in conjunction with automobile sales and/or rental shall be permitted;
 - (2) That notwithstanding Section 14A.(3)(b) of Zoning By-law No. 6593, no building or structure, except a fence, shall be permitted within 12.0 m of the westerly lot line of Block "1" and within 30.0 m of the northerly lot line of Block "1";
 - (3) That notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the westerly limits of Blocks "1" and "2";
 - (4) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly limits of Blocks "1" and "2";
 - (5) That a minimum 6.0 m wide planting strip shall be provided and maintained along the easterly boundary of Block "3", except for any area used for driveway access; and,
 - (6) That a minimum 3.0 m wide planting strip shall be provided and maintained along the northerly boundary of Blocks "1" and "3", except for any area used for driveway access;
 - (iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1351, and that the subject lands on Zoning District Map E-5 be notated S-1351;
 - (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council; and
 - (vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the Kernighan Neighbourhood Plan be amended by changing the designation of the subject lands from "Neighbourhood Commercial" to "Commercial" upon finalization of the implementing By-law.

6. **BUILDING COMMISSIONER AND COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

Revisions/Clarifications to the Commercial Loan Program's Eligibility Criteria and Related Amendments to Community Improvement Plans

Mark Mascarenhas stated that the recommendation before the Committee will provide better service to the applicants. This recommendation does not require additional funds. There will now be permission for improvements to be conducted on the interior of buildings.

As recommended in a report dated 1995 November 28, the Committee recommended to Council as follows:

- (a) That the City's Loan Program under the Community Improvement provisions of the Planning Act now known as the "Commercial Loan Program" be renamed the Commercial Property Improvement Loan Program"; and,

- (b) That with respect to the following Community Improvement Project Areas, namely:

The Concession Street Community Improvement Project Area,
The Downtown Hamilton Community Improvement Project Area,
The International Village Community Improvement Project Area,
The Main Street West Community Improvement Project Area,
The Ottawa Street Community Improvement Project Area, and
The Westdale Village Community Improvement Project Area.

revisions to the City's Loan Programs in each Area, (attached hereto and marked as Appendix "D"), be approved (pursuant to the Community Improvement provisions of the Planning Act); and,

- (c) That the Public Works & Traffic Department hold a public meeting and take other steps required by the Planning Act in order that the said revisions may be adopted by By-law to amend the Loan Program provisions of the Community Improvement Plans for each of these Community Improvement Project Areas.

7. **DIRECTOR OF PUBLIC WORKS AND TRAFFIC**

Westdale Village Business Improvement Area Request - Commercial Improvement Program

Alderman Wilson explained that the recommendation is on the regular agenda because \$600. is required for removal of benches and any painting and scaling to be done on an annual basis.

Alderman Copps stated that this should come from the B.I.A. budget, not from the City budget.

Following brief discussion, the Committee resolved to refer the matter to the budget process as an enhanced program.

8. CORRESPONDENCE

William Hunter, Regional Director of Environmental Health

\$40. Fee for Rezoning, Minor Variance and Committee of Adjustment Applications

Alderman Charters advised that this is an 18% increase. He stated that the situation is a bit ridiculous in that we may be expected to charge the Region everytime we comment on their applications?

Mr. Abraham advised that the same concern has been raised by other municipalities. He stated that the City may require a letter from the applicant that they have received Regional approval and in this way we will not be responsible for collecting the money on behalf of the Region directly.

Alderman Merling stated that in some circumstances we do not require the Regional Health comments.

The Committee determined at this time to take no action on the matter in order to await a staff report.

9. CONSENT AGENDA

A. Adoption of the Minutes

The minutes of the meeting held 1995 November 27 were adopted as circulated.

As recommended in various reports in the Consent Agenda, the Committee recommended to Council as follows:

B. DIRECTOR OF PUBLIC WORKS AND TRAFFIC

(a) Closure of Public Works and Traffic Department's Park Division - Community Renewal Capital Projects dated 1995 November 22:

That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of funding:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
428603003	Downtown Action Plan-Phase III	\$1,300,000.	\$1,299,999.82	\$.18	Debtenture

(b) International Village Business Improvement Area - Proposed Budget and Schedule of Payments for 1996 dated 1995 November 16:

- (i) That the 1995 operating budget for The International Village B.I.A. (attached as Appendix "E") be approved in the amount of fifty-four thousand dollars (\$54,000.); and,

- (ii) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

- (iii) That the following schedule of payments for 1996 be approved:

January 01	\$27,000.
September 01	\$27,000.

NOTE: 1995 levy arrears will be deducted from the payments for 1996.

(c) **Ottawa Street Business Improvement Area - Proposed Budget and Schedule of Payments for 1996 dated 1995 November 23:**

- (i) That the 1996 operating budget of the Ottawa Street B.I.A. (attached as Appendix "F") be approved in the amount of fifty-nine thousand, seven hundred and eighty dollars(\$59,780.00); and,
- (ii) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (a) above; and,
- (iii) That the following Schedule of Payments for 1996 be approved.

January 01	\$14,945.00
March 01	\$14,945.00
June 01	\$14,945.00
September 01	\$14,945.00

NOTE: 1995 Levy arrears will be deducted from the payments for 1996

(d) **Downtown Hamilton and International Village Business Improvement Areas - Request Under the Commercial Improvement Program dated 1995 November 17:**

- (i) That the Downtown Hamilton B.I.A.'s request to utilize \$7,142. of the Commercial Improvement Program monies towards the Sesquicentennial Downtown Mural Project be approved and recovered from account number CF 5698 428705006; and,
- (ii) That the International Village B.I.A.'s request to utilize \$7,142. of the Commercial Improvement Program monies towards the Sesquicentennial Downtown Mural Project be approved and recovered from account number CF 5698 428705005.

(e) **Ottawa Street Business Improvement Area 1995 Request - Commercial Improvement Program dated 1995 November 27:**

That the Ottawa Street B.I.A.'s request for the purchase and installation of poles and banners under the Commercial Improvement Program be approved at an estimated cost of \$44,000. to be recovered from account number CF 5698 428705004.

(f) **Downtown Hamilton Business Improvement Area - Proposed Budget and Schedule of Payments for 1996 dated 1995 November 30:**

- (i) That the operating budget of the Downtown Hamilton B.I.A. (attached as Appendix "G") be approved in the amount of eighty-four thousand dollars (\$84,000.); and,
- (ii) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,
- (iii) That the following Schedule of Payments for 1996 be approved:

January 01	\$21,000.
March 01	\$21,000.
June 01	\$21,000.
September 01	\$21,000.

Note: 1995 levy arrears will be deducted from the payments for 1996.

(g) **Barton General Business Improvement Area - Proposed Budget and Schedule of Payments for 1996 dated 1995 November 30:**

- (i) That the 1996 operating budget of the Barton General B.I.A. (attached as Appendix "H") be approved in the amount of six thousand dollars (\$6,000.); and,
- (ii) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,
- (iii) That the following Schedule of Payments for 1996 be approved:

January 01	\$1,500.
March 01	\$1,500.
June 01	\$1,500.
September 01	\$1,500.

Note: 1995 Levy Arrears will be deducted from the payments for 1996.

(h) **Main Street West Esplanade Business Improvement Area - Proposed Budget and Schedule of Payments for 1996 dated 1995 November 30:**

- (i) That the 1996 operating budget of the Main Street West Esplanade B.I.A. (attached as Appendix "I") be approved in the amount of three thousand dollars (\$3,000.); and,
- (ii) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,
- (iii) That the following Schedule of Payments for 1996 be approved:

January 01	\$750.
March 01	\$750.
June 01	\$750.
September 01	\$750.

Note: 1995 levy arrears will be deducted from the payments for 1996.

C. BUILDING COMMISSIONER

(a) **Hamilton Rehabilitation Program - Retaining Walls Provisional Capital Budget: 1996-2005 dated 1995 November 27**

- (i) That the attached capital project from the Building Department be considered for inclusion in the ten year 1996-2005 Provisional Capital Budget, and;
- (ii) That this capital project be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration of the Committee of the Whole and City Council.

(b) **Demolitions: (i) 44 Tisdale Avenue North
(ii) 263 West 18th Street dated 1995 November 27:**

That the Building Commissioner be authorized to issue demolition permits, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended, as follows:

44 Tisdale Avenue North
263 West 18th Street

D. DIRECTOR OF PLANNING AND DEVELOPMENT

Authorization for Staff to Attend an Ontario Municipal Board Hearing Regarding 6 Sandlyn Court, A-95-221

That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny, in part, Application No. A-95-221, respecting property located at No. 6 Sandlyn Court.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**Information Items**

The Committee received for information purposes the following items, which were forwarded to the members of the Committee under separate cover:

- (a) Director of Planning and Development - Approved Site Plan Control Applications, dated 1995 November 27.
- (b) Director of Planning and Development - Bill 20 - Proposed Revision to the Planning Act, dated 1995 November 28.

10. OTHER BUSINESS**Building Commissioner Re: Composition of Property Standards Committee**

The Committee approved the report of the Building Commissioner dated 1995 December 1 and recommended to Council as follows:

- (a) That the membership composition of the Property Standards Sub-Committee be increased from 3 to 5; and,
- (b) That the City Solicitor be authorized to prepare the necessary amendment to By-law No. 94-185, a By-law to prescribe standards for the maintenance and occupancy of property.

11. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

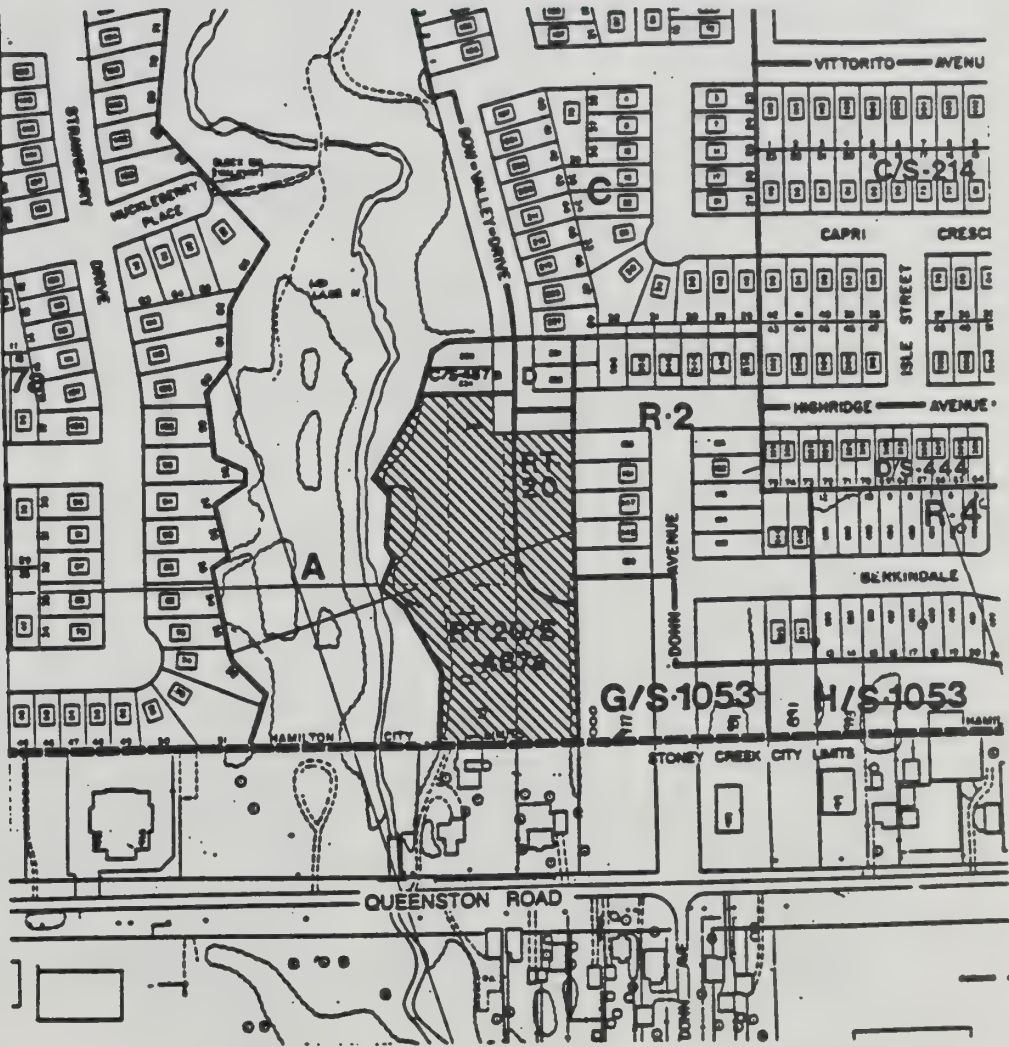
Taken as read and approved.

Don Drury
Chairperson
Planning and Development Committee

Tina Agnello
Secretary

/jt

Appendix "A" referred
to in Section 1(a) of the
Planning and Development
Committee minutes dated
1995 December 6.



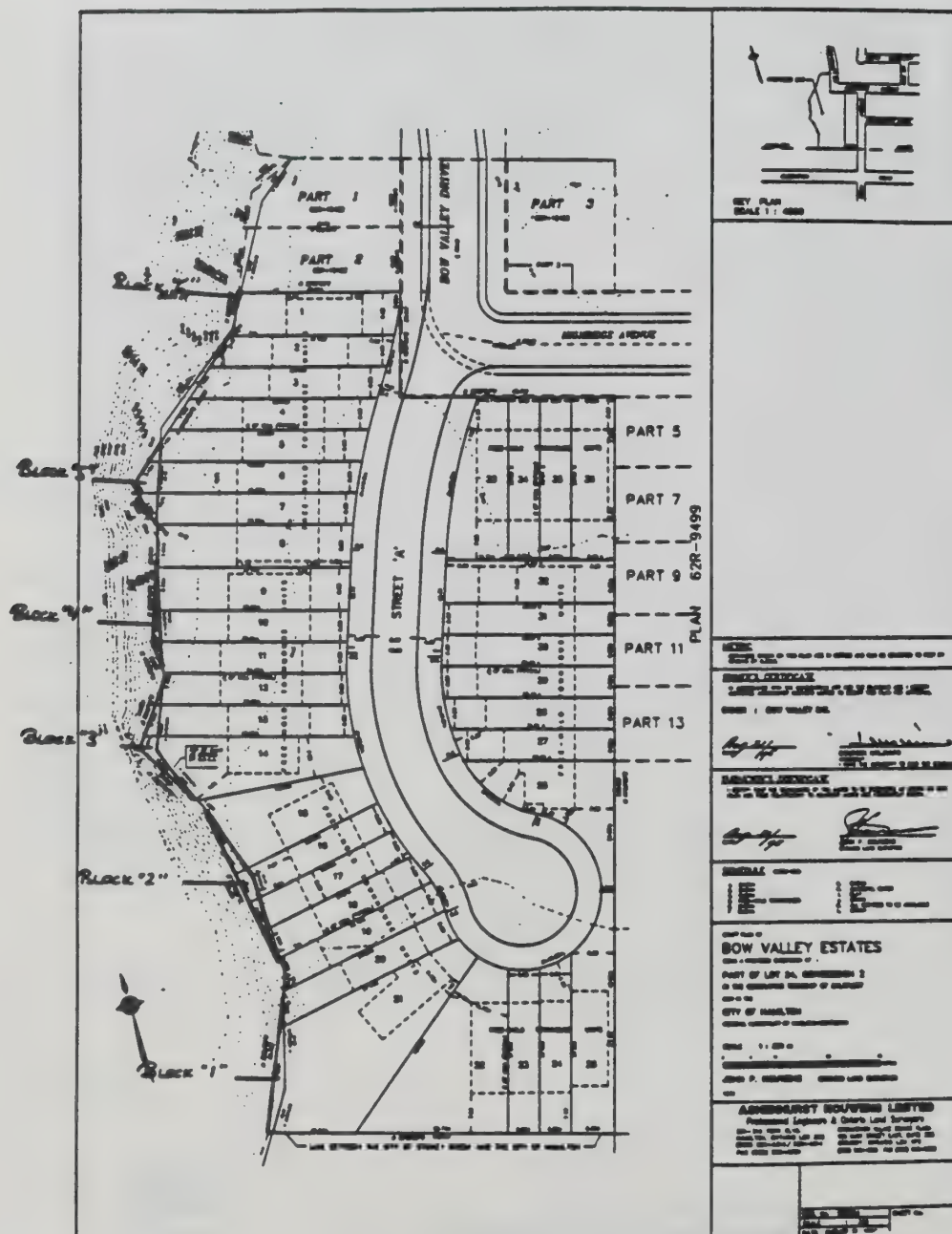
Legend



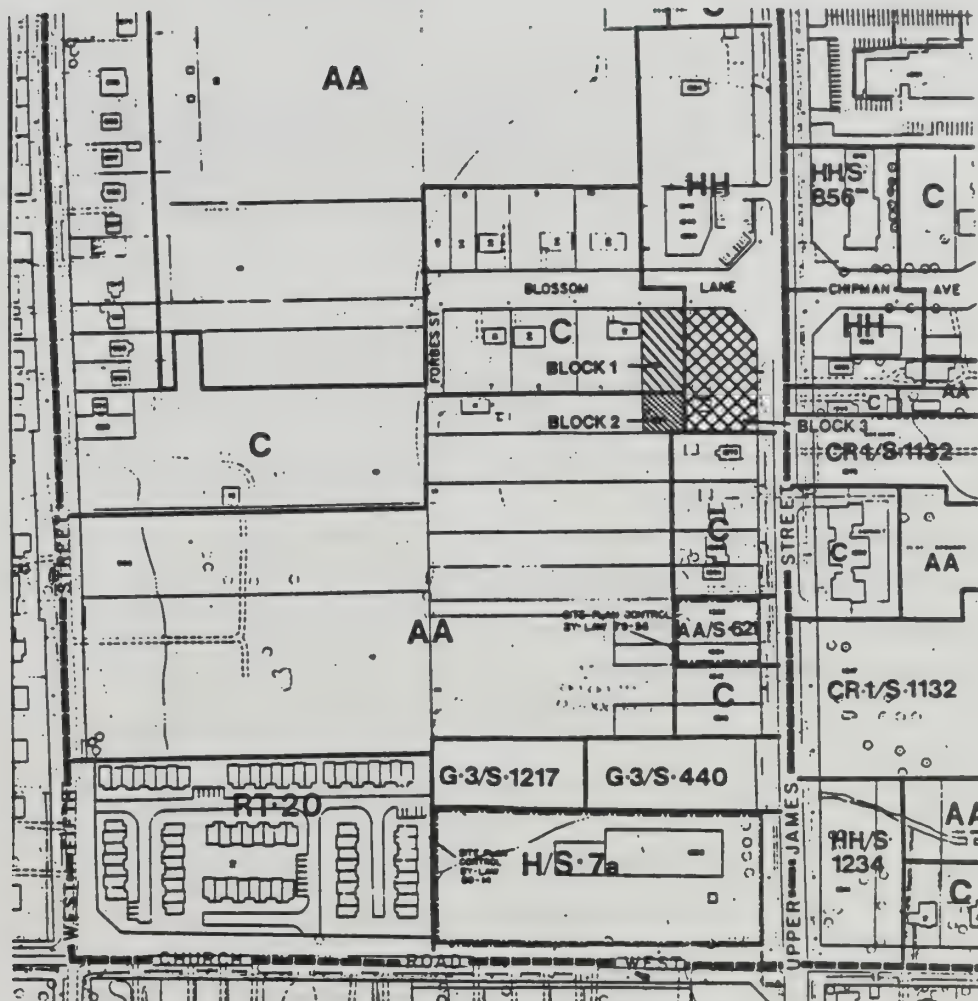
Site of the Application



Appendix "B" referred to in Section 1(b) of the Planning and Development Committee minutes dated 1995 December 6.






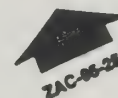
Appendix "C" referred to in Section 5(a) of the Planning and Development Committee minutes dated 1995 December 6.



Legend

Proposed change in zoning :

- | | | |
|---------|---|---|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District. |
| BLOCK 2 |  | "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District. |
| BLOCK 3 |  | Modification to the established "HH" (Restricted Community Shopping and Commercial) District. |



Appendix "D" referred
to in Section 6(b) of the
Planning and Development
Committee minutes dated
1995 December 6

**PROPOSED REVISIONS TO THE
CONCESSION STREET, DOWNTOWN HAMILTON,
INTERNATIONAL VILLAGE, MAIN STREET WEST,
OTTAWA STREET AND WESTDALE VILLAGE
COMMUNITY IMPROVEMENT PLANS**

1995 November 30
Public Works and Traffic Department

The Community Improvement Plans adopted by Council for the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street and Westdale Village Community Improvement Project Areas (hereinafter referred to as the "Community Improvement Plans") are intended to be revised by the following additional provisions, which additional provisions shall prevail in the event of any conflict with the terms of the original Plans. Prior to adoption of these proposed revisions by bylaw, the procedures required by the Planning Act, including a public meeting, shall be held.

1.0 GENERAL

For the purpose of carrying out the Community Improvement Plans, The Corporation of the City of Hamilton may make loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project Areas of the said Community Improvement Plans, to pay for the whole or any part of the cost of the community improvement of any such lands, including the cost of rehabilitating such lands and buildings in conformity with the said Community Improvement Plans and upon the following additional terms and conditions.

Loans are available only to the extent of funds allocated from time to time for those purposes by the Council of The Corporation of the City of Hamilton.

2.0 REVISED LOAN GUIDELINES

- 2.1 Upon receipt of a satisfactory application which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at an interest rate of one half of the City's prime borrowing rate, amortized for a maximum period of ten years.

The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice or penalty.

- 2.2 These loans are solely intended for the owners of lands within the said designated Community Improvement Project Areas where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the said Plans as amended herein;
 - (b) fulfill the objectives of the City expressed in the said respective Community Improvement Plans, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
- 2.3 While businesses which are tenants are not, according to the Planning Act, eligible for loans provided for in the said Plans as amended herein, loans to eligible property owners for improvements which will also benefit business tenants are provided for in these Plans.

- 2.4 Loans may be made to an owner of a non-residential commercial property not exceeding the sum of \$15,000, in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the applicable Business Improvement Area, (namely, the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street or Westdale Village "Business Improvement Areas" Board of Management", as the case may be). These loans are subject to a maximum limit of \$45,000, (3 units, \$15,000, each) for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s).
- 2.5 Loans may be made to an owner of a non-residential commercial property not exceeding the sum of \$10,000, in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the applicable Business Improvement Area, (namely, the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street or Westdale Village "Business Improvement Areas" Board of Management", as the case may be) subject to,
- a loan maximum of \$30,000, for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s); and,
 - the tenant, if any, accepting in writing the proposed interior improvements.
- 2.6 Loans may be for the following types of improvements and their related expenses:
- exterior building envelope;
 - major building systems, including roof, wiring, plumbing, heating;
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - exterior/interior signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
- Loans shall be advanced only in respect of completed work which has been inspected by the City.
- Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 2.7 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 2.8 The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 2.9 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.

2.10. As security for repayment of the loan made by the City, the borrower shall:

- (a) give the City a promissory note and, if a limited company, the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;
- (b) consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;
- (c) where an owner has less than 20% equity in the property being improved,
 - (i) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor; and
 - (ii) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;
- (d) keep in good standing business taxes, realty taxes and B.L.A. levies.

2.11 Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.

COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM (CPILP)
(formerly Commercial Loan Program)
ESSENTIAL LOAN CRITERIA SUMMARY (Revised November 7, 1995)

The Commercial Property Improvement Loan Program (CPILP) provides municipal financial assistance to improve commercial buildings in Business Improvement Areas (B.I.A.'s) in the City of Hamilton.

There are two types of improvements to commercial buildings covered by CPILP. Exterior improvements and interior improvements. Applicants who undertake the renovations themselves are only eligible to receive cost of materials (substantiated by receipts).

Interior Improvements:

- wiring, plumbing, heating;
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc;
- built-in showcases, freezers, special plumbing, etc;
- interior signage;

Exterior Improvements:

- exterior building envelope;
- major building systems, including roof;
- exterior signage.

Who Is Eligible to Apply:

Exterior Portion:

Only owners of the subject building are eligible to apply.

Interior Portion:

Owners of the subject building carrying out a business in the building are eligible to apply. If they have leased the premises to a tenant who is carrying out a business or who is in process of commencing a business, the owner may also apply for the interior portion. Currently, tenants are not eligible to apply, although, under proposed legislation, the City of Hamilton is seeking Provincial approval to permit tenants to receive loans for the interior portion.

Maximum Loan Amounts:

An assessable unit means a business location that is deemed eligible to pay a B.I.A. levy.

Exterior:

\$15,000 per assessable unit to a total of \$45,000 (3 units) per deeded property of the owner.

Interior:

\$10,000 per assessable unit to the total of \$30,000 (3 units) per deeded property of the owner.

If an applicant has previously received a loan or loans totalling \$75,000 from this program, the borrower is not eligible to be considered for any further loans until 12 months have elapsed from the date of Council approval of the most recent loan.

Appendix "E" referred
to in Section 9B(b) of the
Planning and Development
Committee minutes dated
1995 December 6.

~~Meeting~~

INTERNATIONAL Village

APPROVED
~~PROPOSED~~ BUDGET
1 9 9 6

King Street East
between Wellington
and Mary

	1995 <u>Actual</u>	1996 <u>Proposed</u>
OPERATIONS:		
Rent	\$2,500.	\$3,500.
Utilities	1,900.	1,900.
Telephone	1,300.	1,000.
Supplies	1,714.	1,200.
Bank Charges	350	400.
	<u>\$7,764.</u>	<u>\$7,500.</u>
WAGES:		
Executive Director	*\$13,834.	\$20,000.
Wage Costs	<u>1,418.</u>	<u>2,300.</u>
	\$15,252	\$22,300.
Insurance	\$1,262.	\$1,300.
Audit	300.	400.
Advertising/Promo		
Print	\$1,915.	\$2,500.
Radio	00.	1,500.
Promo**	<u>3,994.</u>	<u>4,500.</u>
	\$7,471	\$10,200.
Allowance		
Uncollected Levies	\$16,044.	***\$14,000.
	<u>\$53,160.</u>	<u>\$54,000.</u>

* Exec. Director wages reduced from August to December
by 50% to reflect loss of Federal Job Grant.

** Promotion includes banner installation, removal, maintenance,
as well as Christmas pole decorations, installation, removal
and maintenance.

*** Reported from Treasury, Sept. 9/95 that the uncollected
levies for 1995 assessment is \$12,835.90.

Appendix "F" referred
to in Section 9B(c) of the
Planning and Development
Committee minutes dated
1995 December 6.

OTTAWA STREET B.L.A.

PROPOSED 1996 BUDGET

<u>ADVERTISING</u>	CHRISTMAS	\$3300.00	
	SUMMER FEST	\$4500.00	
	2 X PROMOTIONS	\$3300.00	\$11500.00
			\$21500.00
<u>CONTINGENCY FUND</u>			
<u>BEAUTIFICATION:</u>	GARBAGE REMOVAL	\$1200.00	
	BANNERS & POLES	\$1500.00	\$ 2700.00
<u>OFFICE EXPENSES</u>	ADMINISTRATION	\$1200.00	
	PRINTING	\$2500.00	
	RENT	\$1500.00	
	TELEPHONE	\$1000.00	\$ 7000.00
<u>OFFICE FACILITATOR</u>	WAGES & BENEFITS		\$14500.00
** INCREASE FOR FACILITATOR APPROVED BY GENERAL MEETING			\$ 2580.00
TOTAL			\$59780.00

Appendix "G" referred
to in Section 9B(f) the
Planning and Development
Committee minutes dated
1995 December 6.

DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.)**APPROVED 1996 BUDGET**

General Administration	\$35,000.
Committee Fund	\$25,000.
Special Projects	\$10,000.
Reserve	\$14,000.

TOTAL	\$84,000.
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Appendix "H" referred
to in Section 9B(g) of the
Planning and Development
Committee minutes dated
1995 December 6.

BARTON GENERAL BUSINESS IMPROVEMENT AREA
APPROVED 1996 BUDGET

Street Festival	\$2,300.
Advertising	\$1,000.
Special Events	\$1,000.
Meeting Expenses	\$ 500.
Insurance	\$ 700.
Contingency Fund	\$ 500.
TOTAL	\$6,000.

Appendix "I" referred to
in Section 9B(h) of the
Planning and Development
Committee minutes dated
1995 December 6.

**MAIN WEST ESPLANADE B.I.A.
APPROVED 1996 BUDGET**

Christmas Decorations	\$1,800.
Insurance	\$ 500.
Auditor	\$ 400.
Meeting Cost	\$ 300.
	<u>\$3,000.</u>

CITY OF HAMILTON
- RECOMMENDATION -

B(i)

DATE: 1995 December 7

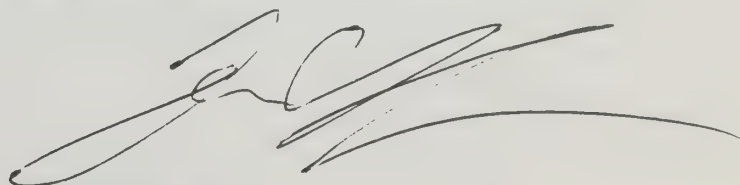
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Loan Program
387 Barton Street East (95.2.4.2.1.A, 95.2.14)

RECOMMENDATION:

1. That a Commercial Loan in the amount of eight thousand, three hundred and seventy dollars (\$8,370.) to Antonio, Luisa, Rosie, Sandra and Livia D'Addario, as joint tenants, for improvements to 387 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 per cent, amortized over 10 years; and,
2. That a grant from the Barton Street Revitalization Fund in the amount of four thousand, one hundred and eighty-five dollars (\$4,185.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 387 Barton Street East has applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 74-74 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund. The Provincial funding of \$100,000. being the second instalment for the program is currently pending. The applicants have signed an acknowledgement confirming that they will be responsible for the entire loan amount with no pay-down grant should the Province not provide the funds.

The Building Department, therefore, recommends the approval of both a grant and a Commercial Loan to Antonio, Luisa, Rosie, Sandra and Livia D'Addario for improvements to 387 Barton Street. The loan in the amount of four thousand, one hundred and eighty-five dollars (\$4,185.) will be amortized over a 10 year period at 4 per cent interest. The monthly payments will be \$84.74 and will be secured by a promissory note and a lien registered on title. The grant is in addition to the loan, for a total grant/loan of \$8,370.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

CITY OF HAMILTON
- RECOMMENDATION -

B(ii)

DATE: 1995 December 20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program
(CPILP)
353 Barton Street East (95.2.4.2.1.A, 95.2.14)

RECOMMENDATION:

1. That a Commercial Property Improvement Loan in the amount of twelve thousand, one hundred and five dollars (\$12,105.) to George Nikolica and Nedelyka Nikolica for improvements to 353 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 per cent, amortized over 10 years; and,
2. That a grant from the Barton Street Revitalization Fund in the amount of six thousand and fifty-two dollars (\$6,052.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 353 Barton Street East has applied for assistance under the City of Hamilton's CPILP and Barton Street Revitalization Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 74-74 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund. The Provincial funding of \$100,000. being the second instalment for the program is currently pending. The applicants have signed an acknowledgement confirming that they will be responsible for the entire loan amount with no pay-down grant should the Province not provide the funds.

The Building Department, therefore, recommends the approval of both a grant and a Commercial Loan to George Nikolica and Nedelyka Nikolica for improvements to 353 Barton Street East. The loan in the amount of six thousand and fifty-three dollars (\$6,053.) will be amortized over a 10 year period at 4 per cent interest. The monthly payments will be \$122.56 and will be secured by a promissory note and a lien registered on title. The grant is in addition to the loan, for a total grant/loan of \$12,105.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

CITY OF HAMILTON
- RECOMMENDATION -

B(iii)

DATE: 1995 December 20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

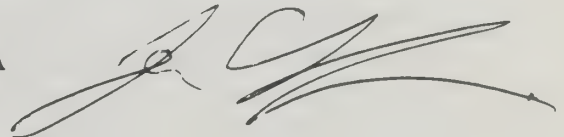
FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program
(CPILP)
397 Barton Street East (95.2.4.2.1.A, 95.2.14)

RECOMMENDATION:

1. That a Commercial Property Improvement Loan increase of three thousand, five hundred and forty dollars (\$3,540.) to Sang-Kuen Jun and Wae-Sook Jun for improvements to 397 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Program. The total loan will be \$14,972. The interest rate is set at 4 1/8 percent, amortized over ten years, and;
2. That an increase in grant from the Barton Street Revitalization Fund in the amount of one thousand, seven hundred and seventy dollars (\$1,770.) be approved to pay-down the increase in Commercial Loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A



BACKGROUND:

City Council at their meeting held 1995 September 26 approved a loan application under the subject program in the amount of \$11,432. Since that time it has been determined that additional work costing \$3,540. was necessary. The Building Department, Housing and Loans Division, therefore recommends increasing the owner's application to a maximum loan of \$14,972. The loan is to be amortized over 10 years at 4 1/8 per cent interest with a monthly payment of \$152.49.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Powers, Law Department

CITY OF HAMILTON
- RECOMMENDATION -

B(iv)

DATE: 1996 January 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
146 Berkindale Drive (96.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, eight hundred and forty-five dollars (\$1,845.) be approved for Debra Cole, 146 Berkindale Drive, Hamilton. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Debra Cole, 146 Berkindale Drive in the amount of \$1,845. The roof has been repaired, and the Department recommends approval in the amount of \$1,845. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

CITY OF HAMILTON
- RECOMMENDATION -

B(v)

DATE: 1995 December 20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
34 Franklin Avenue (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and twenty-five dollars (\$1,725.) be approved for Julia Jakubiak, 34 Franklin Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Julia Jakubiak, 34 Franklin Avenue in the amount of \$1,725. The furnace has been repaired, and the Department recommends approval in the amount of \$1,725. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

CITY OF HAMILTON
- RECOMMENDATION -

B(vi)

DATE: 1996 January 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
74 Burlington Street East (96.2.4.2.1.A)

RECOMMENDATION:

That a loan increase of \$353. be approved for Mr. and Mrs. K. Nunes, 74 Burlington Street East, under the Hamilton Emergency Loan Program (H.E.L.P.). The total loan is now \$1,402.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council at their meeting held 1995 November 28 approved a loan application under the subject program in the amount of \$1,049. It was determined that additional work was required to repair the roof. The Building Department, Housing and Loans Division, therefore recommends increasing the owner's application to \$1,402. The loan will be amortized over a five year period at 8 per cent interest with a monthly payment of \$28.43.

LCK/MM/dc

c.c. R. Camani, Treasury

CITY OF HAMILTON
- RECOMMENDATION -

B(vii)

DATE: 1996 January 12

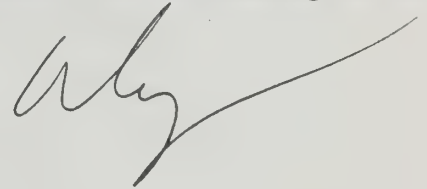
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
211 Beach Boulevard - Tag Number 95766
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 211 Beach Boulevard in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map E-80B)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: Owner wishes to demolish a one storey frame dwelling and replace with a single family dwelling. No LACAC interest. Lot size 35' x 215.75'.

The owner of the property as per the demolition permit is:

David Ronald
215 Beach Boulevard
Hamilton, Ontario L8H 6V8

 SB/zr

CITY OF HAMILTON
- RECOMMENDATION -

C(i)

DATE: 1996 January 8
4328 (A-95-236)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

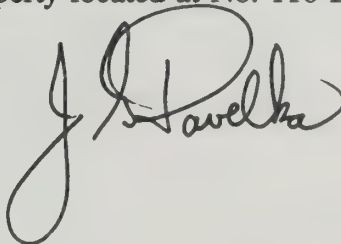
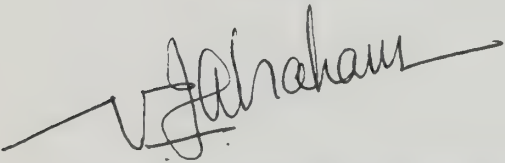
FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal
Board Hearing

RECOMMENDATION:

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-95-236, respecting property located at No. 110 Bowman Street.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time each will be required, for one representative from the Planning Department (approximately \$250) and one from the Law Department (ranging from approximately \$500 to \$1,000), for preparation and attendance at the Ontario Municipal Board hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

Committee of Adjustment application A-95-236 has recently been appealed to the Ontario Municipal Board. At its meeting of November 8, 1995, the Committee accepted Planning staff's recommendation and denied the application. The proposal is to permit erection of a hallway between an existing dwelling and existing accessory building, to facilitate utilization of the accessory building for additional living space, at No. 110 Bowman Street, notwithstanding that a south side yard of 0.49 m (1.62 ft.) would be provided, whereas 1.2 m (3.94 ft.) is required, and the dwelling would have a gross floor area of 253.01 m² (2,724 sq. ft.), whereas Zoning By-laws Nos. 95-02 and 95-33 (Monster Home By-laws) permit a maximum floor area of 234.11 m² (2,520 sq. ft.). A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M

CITY OF HAMILTON
- RECOMMENDATION -

C(ii)

DATE: January, 15 1996

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

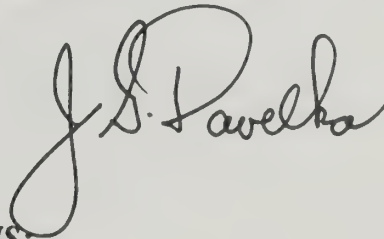
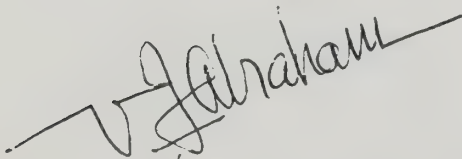
FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal
Board Hearing

RECOMMENDATION:

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to approve Application No. A-95-257, respecting property located at No. 400 Queensdale Avenue East (Inch Park Arena).



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time each will be required, for one representative from the Planning Department (approximately \$250) and one from the Law Department (ranging from approximately \$500 to \$1,000), for preparation and attendance at the Ontario Municipal Board hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

Committee of Adjustment application A-95-257 has recently been appealed to the Ontario Municipal Board. At its meeting of December 13, 1995, the Committee accepted Planning staff's recommendation and approved the application. The proposal is to permit a portion of the lands at No. 400 Queensdale Avenue East, to be utilized for 11 of the required parking spaces for the existing Inch Park Arena, notwithstanding that the parking area would have a front yard setback of 1.45 m (4.75 ft.), whereas the By-law requires a minimum front yard setback of 6.0 m (19.69 ft), and a portion of the access driveway would be 5.18 m (17.0 ft.) wide, whereas the By-law requires a minimum width of 5.5 m (18.04 ft.). A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M

CITY OF HAMILTON
- RECOMMENDATION -

C(iii)

DATE: 1996 January 15

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

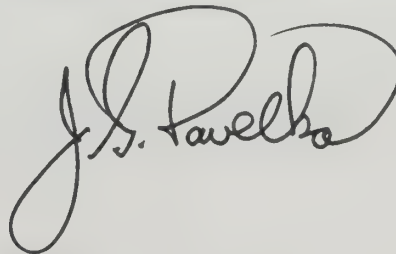
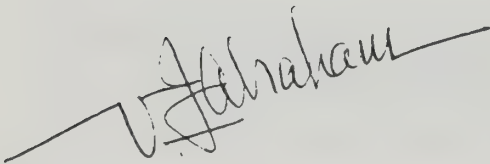
FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Ontario Municipal Board Hearing - 43 Albermarle Street

RECOMMENDATION:

1. That the appropriate staff (e.g. Law and Planning Departments) **not** attend the Ontario Municipal Board hearing on January 29, 1996, in support of the Committee of Adjustment decision to deny Application No. A-167/94, respecting property at 43 Albermarle Street



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Committee of Adjustment, at its meeting of September 14, 1994, accepted Planning staff's recommendation and denied Application A-94:167 for variances to:

- allow an existing dwelling to be maintained on a lot having a width of 9.6 m (31.5 feet) instead of 12 m (39.37 feet);
- the existing dwelling to have a rear yard depth of at least 2.74 (9 feet) instead of 7.5 m

(24.61 feet) and with a further existing eave projection; and,

- an existing industrial building to be maintained upon a lot with a lot coverage of not more than 97% instead of the maximum permitted lot coverage of 85%.

City Council, on November 8, 1994, authorized the appropriate staff (ie. Law and Planning Departments) to attend the Ontario Municipal Board hearing respecting the appeal from the Committee of Adjustment decision to deny this application.

Subsequently, the applicant applied to the Land Division Committee to convey a portion of the subject lands measuring 31.3 feet x 49.58 feet for industrial purposes and to retain a portion of the subject lands measuring 50.75 feet x 31.5 feet for industrial purposes. This application was approved on May 23, 1995 subject to, amongst other things, the applicant submitting proof of final approval of any necessary variances from the requirement of the Zoning By-law.

The Ontario Municipal Board hearing to consider the appeal of the Committee of Adjustment decision is scheduled for January 29, 1996. In preparing for this hearing, the applicant advised that based on the Land Division's approval of the severance application, it was his intent to amend the Committee of Adjustment application to remove the first two requested variances. On this basis, the only matter before the Ontario Municipal Board would be question of maintaining the existing industrial building with a lot coverage of 97% instead of the required 85% lot coverage. Since this is an existing situation, staff can support this variance. On the basis of this new information, staff of both the Planning and Law Departments are of the opinion there is no longer a need for staff to attend this hearing.

CONCLUSION:

On the basis of the foregoing, Council's direction of November, 1994, for staff to attend the Ontario Municipal Board hearing on this matter should be rescinded.

CLF/1

CITY OF HAMILTON
- RECOMMENDATION -

C(iv)

DATE: 1996 January 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

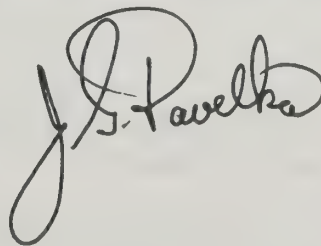
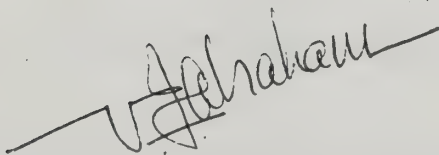
FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Extension of Draft Plan Approval
"Battleridge" Subdivision (File No. 25T-76024)

RECOMMENDATION:

1. That the Region be requested to approve the application by B.J. Clark, agent, to extend draft plan approval for "Battleridge" subdivision under Regional File No. 25T-76024 for a further one (1) year period to February 28, 1997.
2. That the Region of Hamilton-Wentworth be advised that the City of Hamilton has no objection to the inclusion of an additional condition that the owner provide any easements to the Regional Municipality of Hamilton-Wentworth as required by the Region in order to provide servicing to adjacent developers.
3. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Location:**

The "Battleridge" subdivision is located in the Gershome Neighbourhood south of King Street East and east of Greenhill Avenue (see Appendix "A").

Owner:

Sunshine Homes and DiCenzo Construction Ltd.

History:

The "Battleridge" subdivision was originally draft approved on August 29, 1980. The subdivision is for 77 lots for single family dwellings, 31 lots for semi-detached dwellings (62 units) and 3 blocks for townhouse dwellings (approximately 149 units). Phase 1 was registered in September, 1982 and was for 51 lots for single family dwellings. Phase 2 (under separate file as part of a previous townhouse block) was registered in 1984 for 18 lots for single family dwellings.

Draft plan approval has been extended annually since 1983. In January, 1993, draft plan approval was extended for 3 years. The present lapsing date is February 28, 1996. The applicant's agent has advised that they are in the process of preparing the engineering design and preliminary stormwater management report for the subdivision (see APPENDIX "B"). Furthermore, they are in the process of determining as to whether or not a noise study will be required and if necessary will be preparing said study. The applicant's agent is preparing the Final Plan of Subdivision for registration and the necessary information for the execution of the required subdivision agreements. The extension to draft approval has been requested given that all of the necessary studies and information will not be finalized prior to the lapsing date. Therefore, the owner has requested a further extension to allow for sufficient time to fulfil the requirements of the subdivision agreement.

COMMENTS:

The original conditions of draft plan approval have been reviewed to determine if they are still applicable to the development.

At the time of draft plan approval, the standard condition requiring the applicant to grant to the appropriate authority any easements for utility or drainage purposes, was imposed. In this regard, the Roads Department is requesting an additional condition to facilitate the completion of the Gershome Neighbourhood as follows:

"That the owner provide any easements to the Regional Municipality of Hamilton-Wentworth as required by the Region in order to provide servicing to adjacent developers."

With two major phases of the development completed, the applicant's agent has advised that the final phase is now being processed. Therefore, a further extension of draft plan approval should not be required.

CONCLUSION:

Based on the foregoing, the request for a further extension can be supported.

SR:sr

Encl.



City of Hamilton
Location Plan For

"Battleridge Subdivision"

Planning and Development Department

Legend



Area of Plan of Subdivision

North



Scale
Not to Scale

Date
JUNE 1996

Reference File No.
25T-76024

Drawn By
B. B.

CITY OF HAMILTON

- RECOMMENDATION -

D.

DATE: 1995 December, 6
S705-31 P. Strong

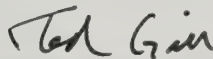
REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: E. M. Gill, P.Eng.
Senior Director
Roads Department

SUBJECT: "ELEANOR HEIGHTS ADDITION - PHASE 2", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

- a) That the City of Hamilton accept the sum of \$ 15,000.00 as a cash payment in lieu of the 5% land dedication in connection with Eleanor Heights Addition - Phase 2, Hamilton, located in the Eleanor Neighbourhood north of Brenda Street and Bolzano Drive, south of Stone Church Road East, being the cash payment required under Section 51 of the Planning Act.



E. M. Gill, P.Eng.

cont'd...

DATE: 1995 December, 5

**"ELEANOR HEIGHTS ADDITION - PHASE 2", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)**

cont'd...

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

BACKGROUND:

The owner of Eleanor Heights Addition - Phase 2 (Steinnagel Construction Limited) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$ 15,000.00.

The lands of Eleanor Heights Addition - Phase 2 are located on the south of Stone Church Road East and north of Rymal Road East in the Eleanor Neighbourhood.

 ps
encl.

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department

CITY OF HAMILTON
- RECOMMENDATION -

E(i)

DATE: 1996 January 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo
Commissioner of Public Works and Traffic Department

SUBJECT: Westdale Business Improvement Area (B.I.A.) Proposed Budget and
Schedule of Payments for 1996.

RECOMMENDATION:

- 1) That the 1996 operating budget of the Westdale B.I.A. (attached as Appendix 'A') be approved in the amount of thirty-five thousand dollars (\$35,000); and,
- 2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,
- 3) That the following Schedule of Payments for 1996 be approved.

January 01	\$11,000.
March 01	\$ 8,000.
June 01	\$ 8,000.
September 01	\$ 8,000.

NOTE: 1995 Levy arrears will be deducted from the payments for 1996

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of thirty-five thousand dollars (\$35,000) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

PAGE 2

BACKGROUND:

At its General Meeting held 1995 December 06, the Westdale B.I.A. adopted a Budget of thirty-five thousand dollars (\$35,000).

JP\jp

cc A. Ross, City Treasurer
 Att: T. Bradbury, Supervisor of Taxation, Treasury Department
 D. Upsdell, Chairman, Westdale Village B.I.A.

**WESTDALE VILLAGE B.I.A.
APPROVED 1996 BUDGET**

Office & Internal Expenses	\$2,500.
Advertising	\$3,000.
Sidewalk Sale	\$2,000.
Insurance	\$ 500.
Hydro	\$ 500.
Auditor	\$ 500.
Beautification	\$2,000.
Christmas Decorations	\$1,500.
Walk of Hope	\$1,000.
Fesitival	\$4,000.
Allowance for uncollected '95 levies and hiring of summer student	\$17,500.
TOTAL	<u>\$35,000.</u>

CITY OF HAMILTON
- RECOMMENDATION -

E(ii)

DATE: 1996 January 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo
Commissioner of Public Works and Traffic Department

SUBJECT: Concession Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1996

RECOMMENDATION:

- 1) That the 1996 operating budget of the Concession Street B.I.A. (attached as Appendix 'A') be approved in the amount of ten thousand, one hundred dollars (\$10,100.); and,
- 2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,
- 3) That the following Schedule of Payments for 1996 be approved.

January 01	\$2525.
March 01	\$2525.
June 01	\$2525.
September 01	\$2525.

NOTE: 1995 levy arrears will be deducted from the payments for 1996.

D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of ten thousand, one hundred dollars (\$10,100.) is totally levied by the B.I.A. through its members. There is no cost to the City for any part of this operating budget. As a point of clarification, the attached budget identifies a Christmas grant in the amount of \$1000.00 from the City of Hamilton. This will be dealt with under a separate process through the Treasury Department and does not form part of the B.I.A. levy.

BACKGROUND:

At its Annual General Meeting held 1995 December 05, the Concession Street B.I.A. adopted a budget of ten thousand, one hundred dollars (\$10,100.)

JP\jp

cc Mr. A. Ross, City Treasurer
 Attn: T. Bradbury, Supervisor of Taxation
 B. Toplack, Chairman, Concession Street B.I.A.

Appendix "A"

Concession Street Business Improvement Area

Proposed Budget for 1996

Expenses

Advertising and Promotion

	<u>1994</u>	<u>1995</u>	<u>1996</u>
Installation and Storing of Christmas Decorations	\$4,000.	\$4,000.	\$2,800.
Hydro - Christmas Lights	800.	800.	800.
Advertising and Promotion	<u>2,425.</u>	<u>2,425.</u>	<u>5,000.</u>
	7,225.	7,225.	8,600.

Administration

Association Dues	400.	400.	400.
Insurance	550.	550.	750.
Accounting	300.	300.	350.
Bank Charges	<u>100.</u>	<u>100.</u>	<u>Nil</u>
	1,350.	1,350.	1,500.

Office

Newsletter	500.	500.	500.
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Other

Miscellaneous	<u>500.</u>	<u>500.</u>	<u>500.</u>
	<u>\$9,575.</u>	<u>\$9,575.</u>	<u>\$11,100.</u>

Income

BIA Tax Levies
City of Hamilton Grant - Christmas Decorations

\$10,100.
1,000.
\$11,100.

CITY OF HAMILTON

- RECOMMENDATION -

DEC 13 1995

F

DATE: 1995 December 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Crystabelle Fobler, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: CN STATION - Heating of Building

RECOMMENDATION:

Whereas, the CN Station on James Street North, Hamilton, is designated under the federal Heritage Railway Stations Protection Act;

Whereas, the CN Station is also designated at the municipal level under the Ontario Heritage Act as a significant heritage building;

Whereas, interior renovations currently being undertaken by Juno Pix Film Company for a Hollywood adventure film will substantially improve the appearance of the building interior;

Whereas, the owner, the Canadian National Railway Company, has re-activated the existing steam heating system for the period of time that the film company is using the building (approximately 40 working days);

Whereas, the lack of heating in the last two years has accelerated the deterioration of plaster walls and painted surfaces at an alarming rate;

That the City of Hamilton respectfully requests CN Railway to continue heating the building at a minimal level sufficient to prevent further deterioration, for the purpose of preserving the upgraded condition of the building and thereby maintaining its economic and cultural value.

Crystabelle Fobler

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

1. Attached is the agreement signed between the federal government and CN Railway to protect the heritage features of the building during the period of filming.
2. Planning staff have attended two meetings on site with representatives from CN Railway, the film company, and provincial and federal heritage ministries.
3. In comparison to June 1993 when Public Works Canada undertook a Condition Assessment Study of the CN Station, the building shows serious signs of deterioration on the interior. Furthermore, the windows in the concourse have been regularly vandalized due to the vacant condition of the building.
4. At a CN Station Citizens Advisory Committee meeting in 1994, a CN representative advised that the heating had been turned off in the building.
5. Available technical information indicates that the boiler needs to be in operation for the existing Repair Shop on the lower level; that extending the steam heat into the radiators of the station would not be a costly expense; and only minimal electricity would be needed to operate the unit heaters in the concourse.
6. It would be advisable to monitor the system for any leaks in the radiators; this could possibly be done with volunteer or municipal assistance. Responsibility for any necessary repairs would have to be identified and agreed to in advance.

The Local Architectural Conservation Advisory Committee at its meeting of Monday, 1995 December 11 approved the above-noted recommendation.

cc: V.J. Abraham, M.C.I.P.
Director of Local Planning

Nina Chapple
Planning Department



Patrimoine canadien Canadian Heritage

Hull, Canada
K1A 0M5

Votre référence Your file

Notre référence Our file

Canadian Heritage
Real Property Services for
Canadian Heritage and Environment Canada
Canada

Patrimoine canadien
Services immobiliers pour
Patrimoine canadien et Environnement
Canada

Les Terrasses de la Chaudière
5th Floor / 5ième étage
25 Eddy Street / 25, rue Eddy
Hull, Québec K1A 0M5

November 23, 1995

Gordon J. Harlock, P. Eng.
Senior Consultant
Union Station, Suite 412
Toronto, Ontario, M5J 1E7

RE: Filming at the Hamilton CN Station, issues regarding the station's designation under the Heritage Railways Stations Act, Bill C-205.

Dear Mr. Harlock:

Please find attached a list of clauses we would like to include the CN contract with the film company (Attachment 1). The intent of these clauses is to ensure that this station, which is designated under the Heritage Railway Stations Act, is well cared for by the film company. Based on our meeting of Tuesday, November 21st, 1995, I had the impression that the set designers were very knowledgeable concerning the identification and protection of important heritage features. It will also be important that others hired to perform work are well chosen and well supervised to ensure that the same level of care is maintained.

Some work will be permanent in nature, such as plaster repairs, cleaning and polishing of terrazzo and stone, and painting. Such items do benefit the heritage station, and are appreciated.

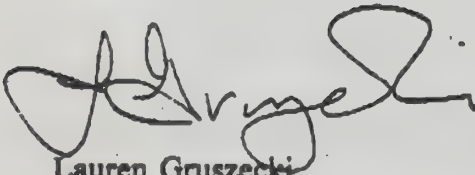
Canada



I have attached the list of work items provided at the meeting; this will form the record of those items that we reviewed on-site (Attachment 2). Any changes or alterations must be reviewed by the OHF Heritage Advisor. I have also attached the detail concerning the method of installing lexan at the exterior to protect the windows of the concourse from vandalism (Attachment 3). It has been forwarded to Dennis at Juno Pix Inc. The Heritage Character Statement has been included for your information (Attachment 4).

If you wish to reword these clauses, please forward your reworked version for our review and acceptance. We thank you for contacting the Historic Sites and Monuments Board of Canada. Please do not hesitate to call if you have any questions.

Sincerely,



Lauren Gruszecki
Senior Conservation Architect
Heritage Conservation Program
Real Property Services for Canadian Heritage and Environment Canada

cc. N. Chapple, City of Hamilton, Planning and Development Department
L. Kavanagh, Property Conservation, Ontario heritage Foundation
L. Friend, Executive Secretary, Historic Sites and Monuments Board of Canada
A. Powter, Program Manager, Heritage Conservation Program
J.P. Landry, Team Leader, Heritage Conservation Program

Attachment 1

Page 1/2

List of Clauses regarding the Protection of the Hamilton CN Station, a building designated under the Heritage Railways Stations Act

1. The intent of the following clauses is to ensure that the film company treats this heritage railway station with care and respect, taking all necessary precautions to prevent any damage.
2. The film company must agree to hire a Heritage Advisor from the Ontario Heritage Foundation (OHF) to review work. Assume for costing purposes approximately 15 hours per week for a junior person and 5 hours per week for a supervisor for approximately 6 weeks. (Assuming 4 weeks construction, 5 days filming, 5 days clean-up - adjust costing according to actual time period.) Finalize costing arrangements with M. Alosinac of the Ontario Heritage Foundation.
3. During any work to the interior or exterior of the station, during filming, and during the final removals and repairs, the site must be accessible to the OHF Heritage Advisor(s) or other heritage representative designated by the Municipal, Provincial, or Federal governments. Advance notice would be given to coordinate times conveniently. Notify OHF representative of all work periods on-site and coordinate times to view work. M. Alosinac will be the OHF supervisor coordinating these site reviews.
4. A final review of the site is required at the end of the removal/repairs/cleanup period by the OHF Heritage Advisor(s). The film company will be responsible for correcting any deficiencies indicated by the OHF Heritage Advisor. These deficiencies must be remedied to the satisfaction of the OHF Heritage Advisor.
5. All others hired to perform work must be qualified for their component of work, well supervised, and performed work with care and diligence to ensure that all heritage fabric is protected. The film company will be responsible for any damage occurring by sub-contractors working under their direction.

6. After completion of filming, it shall be the responsibility of the film company to remove all work and to return the building to its previous state, except those specific items listed below. (See list below.) Cash in lieu of completing outstanding work will not be acceptable.

Items to be left in place after Completion:

Main Waiting Room:

- New doors to bar/coffee shop. Design to match original.
- New kiosk insert constructed of wood to match the existing wood and bronze kiosk. No drilling is permitted into any marble or terrazzo surfaces. Review design and appearance with OHF representative for acceptability to leave in situ. If found not acceptable, it will be removed.

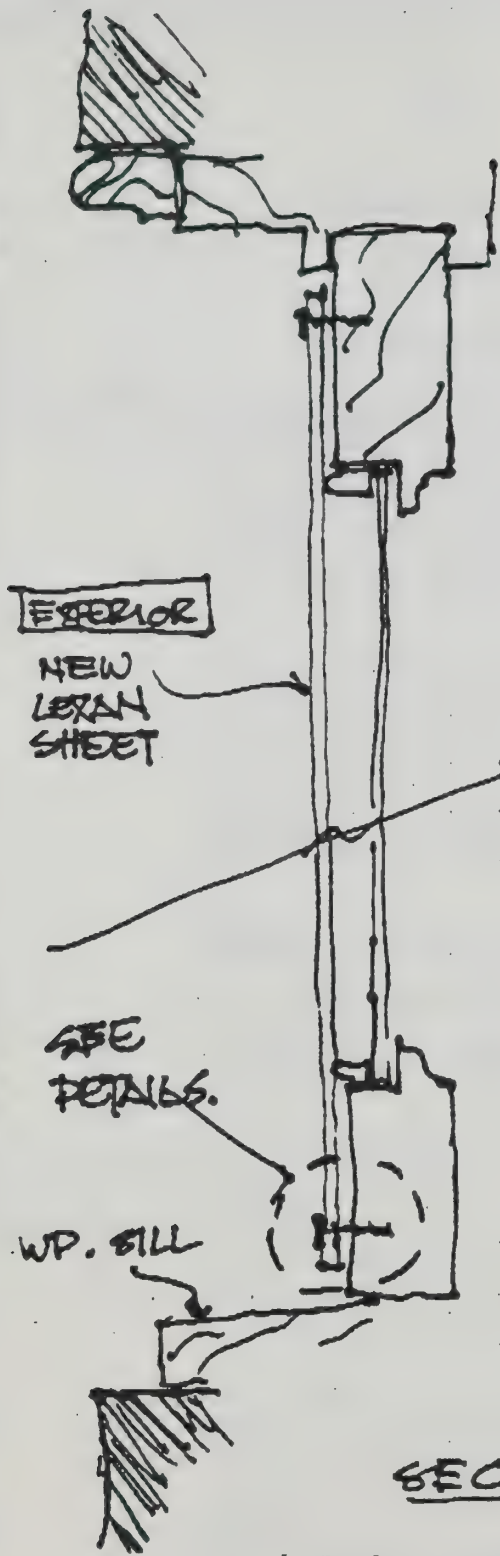
Upstairs Corridor:

- Removal of red carpeting, cleaning and polishing of terrazzo.
- Hollow-core doors that were reworked to include an upper glazed light, and painted to look like wood. Appearance to match historic doors, although construction different.
- Removal of suspended T-bar ceiling and repair of ceiling; the suspended ceiling does not have to be reinstated. Ensure there are some operable light fixtures afterwards for safety reasons.

Cast Iron Stair:

- Wood insert to replace missing marble, painted faux finish "Tennessee Pink".

7. Repair any damage to the building resulting from the production of this film to match the original material. Materials and quality of work must match original designs.
8. All work performed to the building fabric such as painting, plastering, woodwork, cleaning and polishing of the terrazzo and stone, including all other historic materials must be done in accordance with industry standards and by qualified individuals. This includes surface preparation, polishing, chemical cleaning, as well as other work to historic materials.
9. All temporary storage of historic components such as the light fixtures and upper corridor window sashes must be carefully wrapped and stored in a secure location where theft and damage will not be a risk.



EXTERIOR

NEW
LEXAN
SHEET

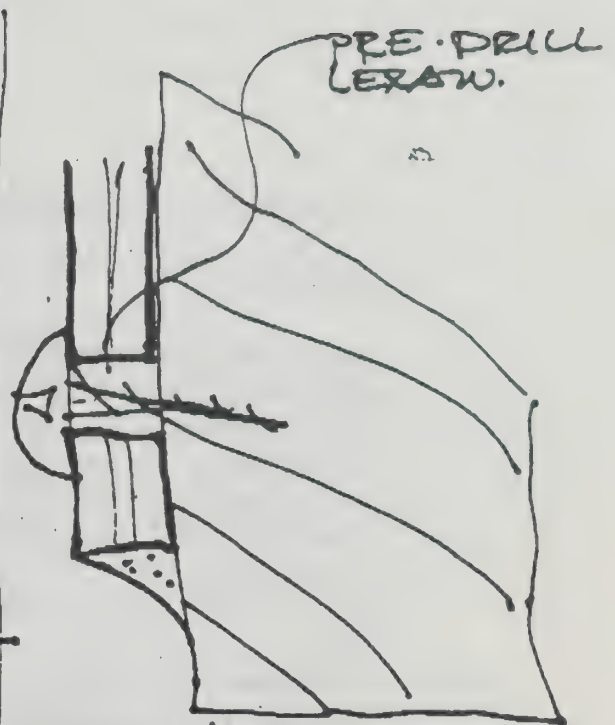
SEE
DETAILS.

WP. BILL

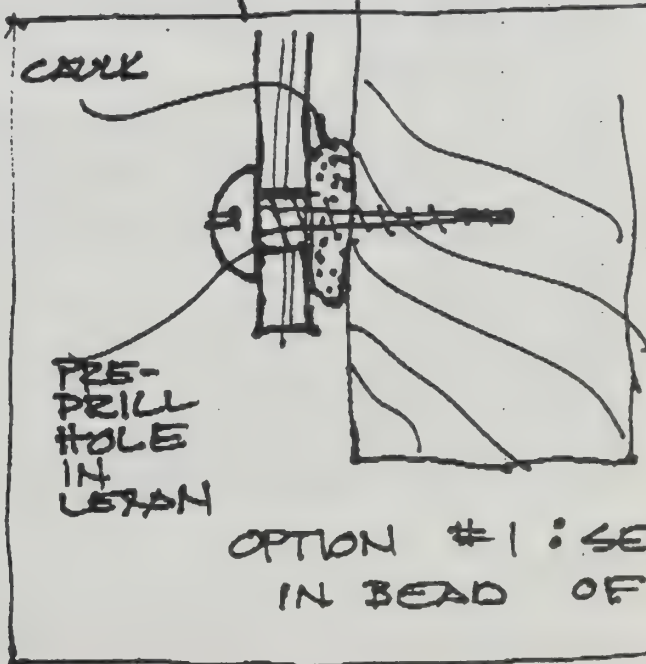
SECTION

RE: LEXAN DETAIL

INTERIOR



OPTION #2: CAULK
AROUND LEXAN.



CAULK

PRE-
DRILL
HOLE
IN
LEXAN

OPTION #1: SET LEXAN
IN BEAD OF CAULK

ATTACHMENT #3 (1 PAGE)

Hamilton Train Station: Construction and Paint

Interior

Repair broken windows - *exam exterior of concourse*
Paint iron truss work - *ok*
Build, paint, & install iron columns (6) - *wood or fibre glass - no attachment to floor.*
Build, paint, & install 3 door units - *ok*
Build, paint, & install information booth - *ok*
Clean & polish floors in large room - *ok*
Add signage - *ok*
Ext. train platform repair - *heritage rep. to review work*

Build, paint, & install stair units - *ok*
Build, paint, & install grillwork & signage - *ok*
Build, paint, & install bar unit - *ok*
Build, & install railing unit - *ok*
Build, paint, & install plug wall - *ok*
Build, paint, & install Men's Room masking & sign - *heritage rep.*
Plug ticket booth - *ok*
Repair plaster walls & paint - *ok*
Hang doors to coffee shop, add masking wall - *doors may be kept*
Add new signage - *heritage rep to review attachments*
Clean & polish floors - *ok*
Remove carpet upstairs. Strip & clean marble floor - *leave exposed after*
Remove ceiling upstairs - *ok* } *leave exposed*
Paint hallway upstairs - *ok* }
Replace existing doors in hallway - *ok* leave in place after *(to replace entrance doors with doors of historic appearance)*
Clean & repair paint job in green room - *ok*
Clean top of stairway - *ok*
Paint mural at top of stairs - *heritage rep. to review*
Build window frames 2nd floor (10 pr. breakaway) - *ok*

Exterior

Add trees in planters to front of building - *ok*
Remove film from windows - *ok*
Add train station sign (parking area) - *ok*
Add billboard on side of beer store - *ok - others.*
Add iron work to top of wall - *heritage rep.*
Add sign or other element to indicate pond - *ok heritage rep.*
Add corner of building facade with window - *ok heritage rep.*
Window Exterior ——— } *heritage rep.*
Build platform for stunts — }
Mow grass in lot - *ok*
Possibly cover Canadian RR sign - *heritage rep.*

ATTACHMENT #2 (1 PAGE)

Tues. Nov 21/95

HISTORIC SITES AND MONUMENTS BOARD OF CANADA

HERITAGE RAILWAY STATIONS

HERITAGE CHARACTER STATEMENT

Canadian National Railways Station
James Street North
Hamilton, Ontario

The Canadian National Railways (CNR) passenger station in Hamilton was built under the direction of CNR architect John Schofield in 1929-31, just as passenger traffic in Canada was beginning a serious decline. Although still utilized by GO and VIA Rail for passenger services, most of the building is vacant, and the two transportation agencies plan to relocate by 1992. Refer to Railway Station Report 38.

Reasons for Designation

The Canadian National Railways station in Hamilton has been designated a heritage railway station in recognition of its historical, architectural, and environmental significance.

CNR enjoyed a profitable and progressive period of technological improvement and labour awareness in the late 1920s. In a city whose growth had been founded on its strategic location in relation to transportation routes, the construction of the Hamilton station during the deep depression of 1929-30 boosted the economy and demonstrated CNR's responsibility to its employees.

The Hamilton station represents an interesting fusion of trends in Canadian architectural thought of the 1930 period. By the time of the station's construction in 1930, Beaux-Arts architectural influence had been tempered both by modernism and by theories of a specifically Canadian art and architecture. As a late Beaux-Arts structure, the station displays classically-inspired detailing and luxurious materials typical of the style, contrasted with the strikingly modern, stripped-down functionalism of the passenger concourse.

The station's relationship to its surroundings has changed very little since it was built. The station precinct consists of a grassy front plaza, the T-plan station building and suspended concourse, and a large track yard with ancillary buildings at lower level. It is highly visible, located at a geographic and urban edge created by

ATTACHMENT #4 (3 pages)

the track cut, facing south to the historic James Street North business district, and stretching back towards the residential district across the tracks.

Character Defining Features

The heritage character of the property is defined by the adaptation of Beaux-Arts architectural principles to emphasize the gateway aspect of the building in the design of its south facade and siting, and to distinguish the hierarchy of spaces and materials in public, office, staff, and operational areas throughout the complex. The simplified, modernized use of classical architectural elements; the use of relevant Canadian motifs for ornament; the open spaces of the front plaza, the track yard, and the approach from John Street to the east, which, with the James Street North bridge on the west, allow views of all sides of the station, all sustain the station's heritage character.

The station's position as a late Beaux-Arts structure is defined by the massing and detailing of external elevations, and its efficient site and station circulation planning, which all derive from City Beautiful ideas of integrating architecture with urban functions. The complex consists of three main masses: the four-storey station building, its separate concourse volume, and the one-storey express building beside the tracks. The gateway function of the station as a connector between cities is most clearly stated by its central Doric portico set off by the proportional relationships between pedimented end pavilions, fenestration groups on the intermediate wings, and horizontal elements. The strong through-axis from the front door, across the lobby and into the concourse is externally apparent in the visible projection of the concourse out over the tracks, which extends the building dynamically into space. The important vertical axes are best physically expressed by the enclosed passenger stair and ramp wells descending from the concourse.

The external ornament combines Beaux-Arts ideals with modernist execution in the classical orders and thematic sculpture. Particularly distinguished are the iconographical stone panels, carved in a style influenced by Art Deco sculpture, showing scenes of transportation across Canada. High quality materials were judiciously used throughout the station in practical accordance with the idea of Beaux-Arts expressiveness: Queenston limestone on the impressive front and sides, but economical brown brick trimmed with stone on the four-storey track side and low express building where it would be dirtied by soot; marble dadoes, columns and pilasters, with brass and bronze metal

work, and ornate painted finishes in the grand lobby; durable, low-maintenance fine glazed brick dadoes below sand-finish walls in the concourse; and terrazzo floors throughout public areas. Natural light was optimized for functional and aesthetic benefit, and used as a passenger directional device between the entrances and the trains.

Externally, the replacement of main doors and fenestration detracts from the appearance, and four of the original six enclosed passenger stair and ramp wells have been removed. Further deterioration of the last pair remaining should be prevented. Internally, many original fixtures and wall, floor, and ceiling finishes survive in the public areas and pavilion office spaces. Ideally, the metal detailing that has been removed (bronze ticket window grilles, the lobby clock, door hardware) would be replaced in any rehabilitation scheme. The express and freight offices in the end pavilions retain their valuable original partitions, luminaires, glazing, and some fixtures, but the upper office spaces of the central block have been completely remodelled. The extensive employee spaces on the mezzanine level below the lobby, and the baggage, freight, and mechanical rooms on the lowest level retain much of their original utilitarian character.

The front lawn is an important open space for public ceremonies, and a foil to the relatively dense business district. It also provides a neutral landscape in front of the station to accentuate the axial symmetry of the facade. The contrast between the formal materials and massing of the front, and the four-storey utilitarian aspect of the rear of the station in brown brick is most visible from the James Street North bridge. The full extent of the station operation and layout as it spans the tracks can be appreciated from the south and east sides.

August 1991

CITY OF HAMILTON

- RECOMMENDATION -

G

DATE: 1996 January 18

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Charlene Touzel, Acting Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Information Report dated 1996 January 16 from the Chairperson, Central Area Plan Implementation Committee respecting Support for Preservation of Victoria Hall and McKay Building From Central Area Plan Implementation Committee (CAPIC)
- (b) Letter dated 1995 November 30 from the Manager of Development Control, City of Stoney Creek respecting Public Notice Signs for Subdivision and Consent Applications
- (c) Letter dated 1995 November 16 from the Minister of Municipal Affairs and Housing respecting changes to Ontario's Planning and Development Approval System
- (d) Information Report dated 1996 January 10 from the Building Commissioner respecting Residential Rehabilitation Assistance Program Allocation for 1995

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The above-noted documents have been sent out to Members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of the recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

Charlene Touzel

URBAN/MUNICIPAL
CAY ON HBL A05
C51P4
1996



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING
PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 February 7
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

FEB 6 1996

GOVERNMENT DOCUMENTS

T. Agnello
Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 95-29, by Peter Georgakopoulos, owner, for a further modification to the "M" District regulations, for lands located at 1050 Rymal Road East.
2. Zoning Application 95-27 and Draft Plan of Subdivision 25T-90001(R), by 800064 Ontario Inc. (A. DiSilvestro), owner, for lands located at the north-west intersection of Garth Street and Gisele Drive.
3. CI-96-A, Front Yard Landscaping Provision.

4. **DELEGATION**

Mr. King Lee - Removal of Debris, 433 Waverly

Planning and Development Committee
Agenda - 1996 February 7

5. **REFERRAL BACK FROM COUNCIL**

Demolition 266 to 280 King Street East

6. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

Barton Street Revitalization- Landscaping Projects

7. **BILL 20 - PROPOSED REVISION TO THE PLANNING ACT**

For Discussion

8. **CONSENT AGENDA**

9. **PRIVATE AND CONFIDENTIAL AGENDA** (to be distributed under separate cover)

10. **OTHER BUSINESS**

11. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
3.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
5.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
6.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
7.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
8.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
9.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 January 26
ZAR-95-29
Hannon West

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Further modification in zoning 1050 Rymal Road East

RECOMMENDATION:

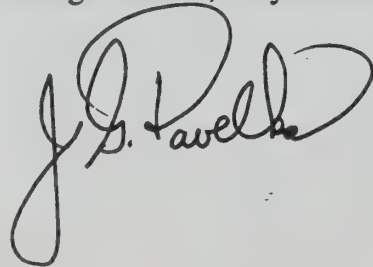
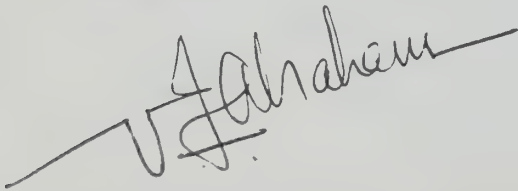
- a) That approval be given to Zoning Application ZAR-95-29, Peter Georgakopoulos, owner, requesting a further modification to the "M-12" (Prestige Industrial) District regulations, to permit a restaurant (maximum seating capacity of 30) as an accessory use within the existing banquet hall building, for property located at 1050 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, as amended by By-law No. 90-43, applicable to the subject lands, be further amended to include the following variance as a special requirement:
 - 1) Notwithstanding Section 17D(1)(b) of By-law No. 6593, the following is permitted:
 - A) a restaurant accessory to the existing banquet facility and catering business with a maximum seating capacity of 30 persons, only within the existing building;

- b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1154a, and that the subject lands on Zoning District Map E-49E be notated S-1154a;
- c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E, for presentation to City Council; and,
- d) The proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to further modify the established "M-12" (Prestige Industrial) District regulations, for property located at 1050 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit a restaurant with a maximum seating capacity of 30 persons, as an accessory use to the existing banquet hall and catering business, only within the existing building.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Current Proposal

This application is a request for a further modification to the "M-12" (Prestige Industrial) District regulations to permit a restaurant accessory to the existing banquet hall and catering business with a maximum capacity of 30 persons only within the existing building.

- Zoning Application-91-57

City Council, on June 30, 1993, **denied** an application requesting a further modification to the established "M-12" (Prestige Industrial) District regulations to permit a restaurant within the existing building, in addition to the existing catering and banquet facility on the subject lands.

- Zoning Application 89-88 and By-law No. 90-43

City Council, on January 30, 1990, adopted a recommendation of the Planning and Development Committee to approve a modification to the "M-12" (Prestige Industrial) District regulations to permit a lube shop in conjunction with a proposed car wash. By-law 90-43 implementing this recommendation came into effect on March 22, 1990.

- Site Plan Control Application DA-90-38

Plans were submitted and approved on August 13, 1990, by the Planning and Development Committee for a catering business at 1050 Rymal Road East. The property was subsequently developed with a building with a G.F.A. of 1081.45 m² (11,641.1 sq. ft.) with sixty (60) parking spaces and two (2) loading spaces.

On May 18, 1995, the applicant's agent requested comments on a revised site plan showing three additional parking spaces located at the front of the building. In responding to this inquiry (see APPENDIX "B" attached), the Planning Department advised that: "Since this change is considered minor in nature, an application to amend the previously approved plans is not required to add these three spaces."

APPLICANT:

Peter Georgakopoulos, owner.

LOT SIZE AND AREA:

The subject property has:

- a frontage of 38.11 m (125.03 feet);
- a depth of 91.44 m (300.0 feet); and,
- a lot area of 3484.778 m² (37,511.06 sq. ft.).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Banquet hall and catering business	"M-12" (Prestige Industrial) District, modified
<u>Surrounding Lands</u>		
to the north	Townhouses	"R-4" (Small Lot Single Family Detached) District, modified
to the east	Mini Storage	"M-12" (Prestige Industrial) District
to the south	Industrial	"M-15" (Prestige Industrial) District
to the west	TransCanada Pipeline facility and industrial	"M-12" (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated **Commercial** on Schedule 'A' - Land Use Concept and are located within Special Policy Area 11A as shown on Schedule 'B' - Special Policy Areas of the Official Plan. The following policies, amongst others are noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as **COMMERCIAL** will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.14 The **EXTENDED COMMERCIAL** category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,

- A.2.2.33 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- A.2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.
- A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.
- A.2.2.37 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use.
- A.2.3.15 In addition to the ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy 2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Restricted Industrial Commercial" in the East Mountain Industrial Business Park Neighbourhood Plan. The proposal complies with the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Clerk's Department (Licensing Division) had no comments or objections.
- The Building Department advises:
 - "1. A restaurant is not a permitted use.

2. A billiard room is not a permitted use.
 3. A capacity of 370 persons requires sixty-two (62) parking spaces."
- The Department of Public Works and Traffic advises:

"We have reviewed the proposed modification to permit the establishment of a 30 seat restaurant and find it satisfactory. With reference to the plan submitted with the application, we have reviewed the proposed modification to the previously approved DA 90-38 and find it satisfactory.

However, a site inspection of the subject property indicates that the one-way signing of the driveway on the west side of the building and the pavement markings delineating the parking spaces, as required by the Zoning By-law, have not been installed. Therefore, we recommend that approval of the modification be subject to the condition that the required signing and pavement markings are installed."

- The Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available on Rymal Road East to service the subject lands.

Since this application deals with an existing banquet facility we have no further comment."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Neighbourhood Plan for the East Mountain Industrial Business Park.
2. The previous application (ZA-91-57) for a restaurant within the existing building was denied, in part, on the basis that:
 - it represented an overintensification of land use (113 parking spaces were required and only 60 spaces were being provided);
 - it would encourage other applications of a similar nature which would undermine the intent of the Zoning By-law; and,
 - there was an adequate supply of appropriately zoned lands in the Mountain Industrial Area where the proposed use could be located.

The present proposal is for a restaurant, accessory to the existing banquet hall and catering business, with a maximum capacity of 30 persons. Unlike the previous proposal, it is to be accessory to the banquet hall and have a limited capacity of 30 persons. On this basis, it can be supported provided adequate parking is provided on site.

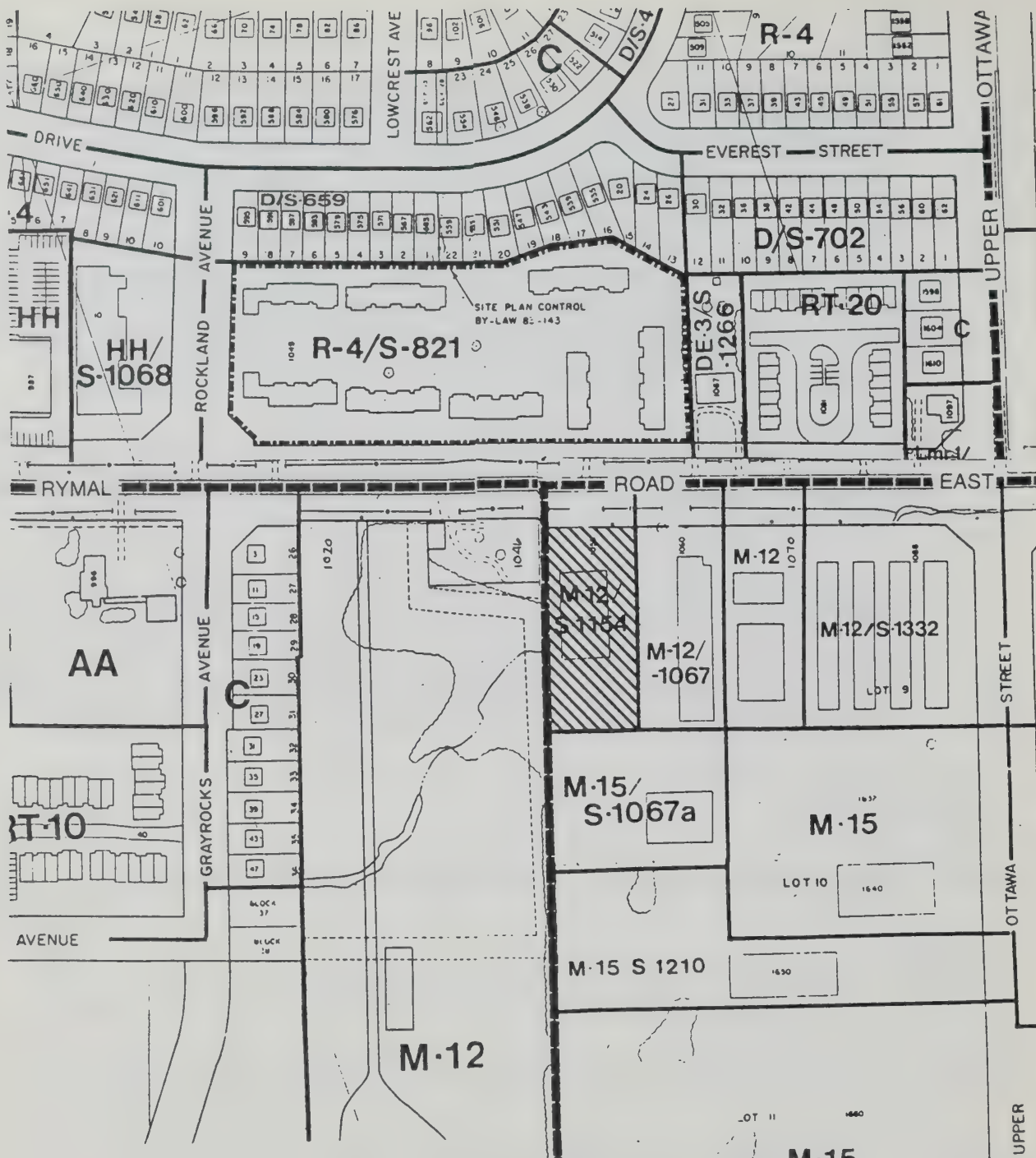
In this regard, the Building Department advises that 62 parking spaces are required for the banquet hall and 30 seat restaurant. The drawings submitted by the applicant show 63 parking spaces (see APPENDIX "C" attached). As a result of the inquiry of May, 1995, a minor modification to the site plan for the addition of three spaces can be supported without the necessity of amending the approved site plan.

3. The Building Department advises that a billiard room is not a permitted use. The drawings submitted by the applicant's agent show a "pool table" (see APPENDIX "D" attached) however, the applicant's agent has advised that the drawings will be revised to delete the pool table.
4. The Traffic Department advises they support a minor modification to the site plan to increase the number of parking spaces, but note that the applicant has not installed the proper signing and pavement markings which were required as a condition of approval of the original Site Plan. In this regard, they advised verbally that if this application is approved, the Building Department be requested to enforce these conditions.

CONCLUSION:

Based on the foregoing, the proposed further modification can be supported.

CLF/
ZAR-95-29



Legend



Site of the Application



APPENDIX "A"



PLANNING AND DEVELOPMENT DEPARTMENT

City of
HAMILTON

71 Main Street West, Hamilton, Ontario L8N 3T4 (905) 546-4221 Fax (905) 546-4202 TDD-546-2448

DA-90-38

1995 June 1

Wentworth Construction Planning
361 Jackson Street West
Hamilton, ON
L8P 1N2

Attention: Mr. Jerry Wannop

Dear Sir:

Re: Proposed addition of three parking spaces to the development at 1050 Rymal Road East,
previously approved under Site Plan Control Application DA-90-38.

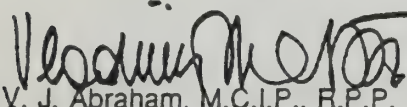
Further to your inquiry of May 18, 1995, this is to advise that the Traffic Department has advised that they have no objection to the proposed three additional parking space as shown on the submitted plan. Since this change is considered minor in nature, an application to amend the previously approved plans is not required to add these three spaces. The Traffic Department has also noted that painted lines for parking and directional one way signs have not been provided. Please ensure that these features are installed on the site.

By copy of this letter, the Building, Roads and Traffic Department are advised of this change for their records.

Please note that the use of the building must comply with the Zoning regulations and requirements which should be confirmed through the Building Department and any appropriate permit applications for proposed changes to the building.

Should you have any questions pertaining to the Site Plan issues, please contact John Sakala at 546-4429.

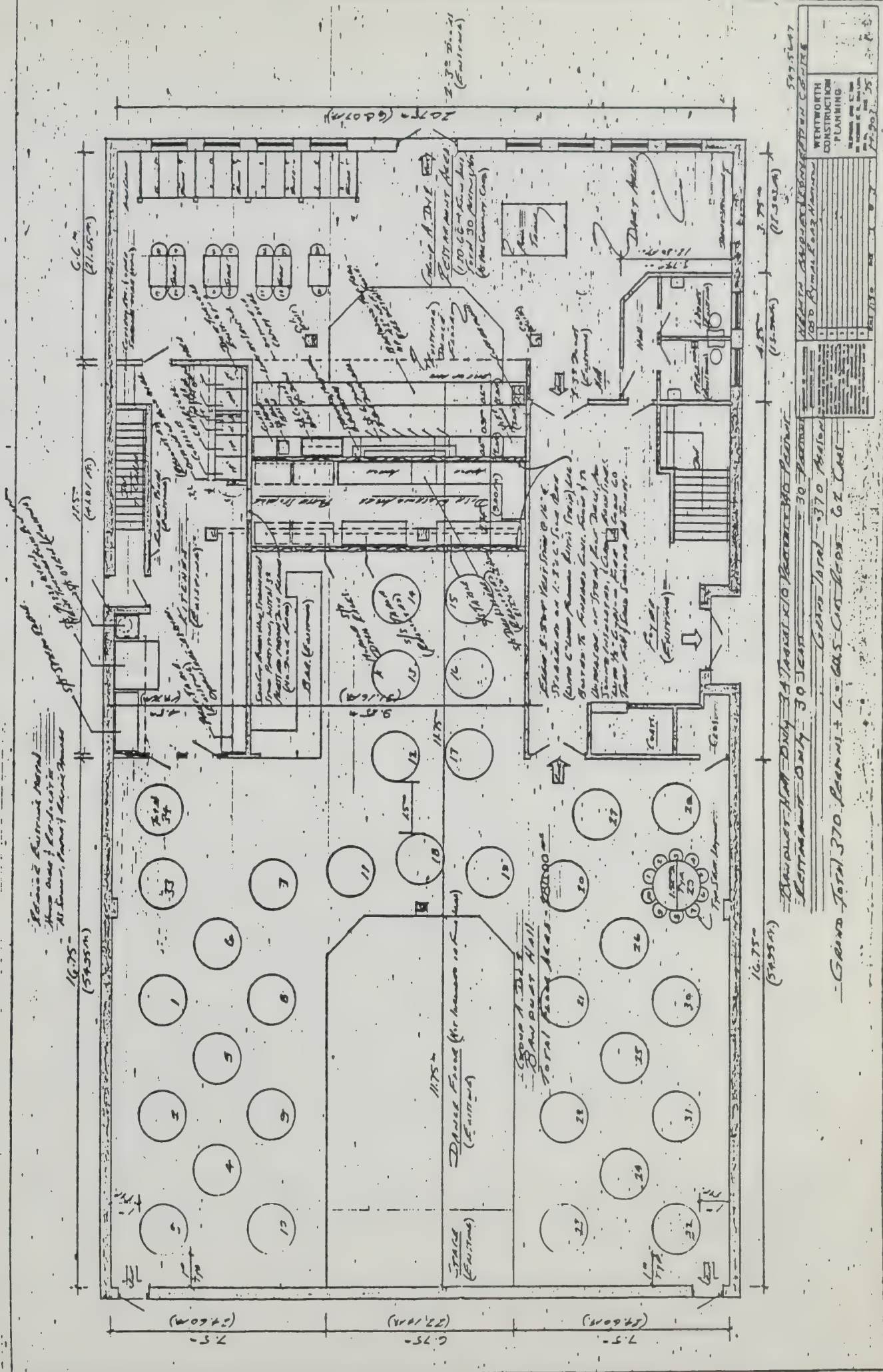
Yours truly,


for V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

cc: L. King, Building Department
E. Chajka, Roads Department
R. Karl, Traffic Department

jps/DA90-38.jw





CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 January 31
(ZAC-95-27 and 25T-90001(R))
Falkirk East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision "Claudette Gardens
Phase 7" and Change in Zoning - 1600 Garth St.
(File No. ZAC-95-27 and 25T-90001(R))

RECOMMENDATION:

Subdivision Application:

- (a) That approval be given to Subdivision Application 25T-90001(R), 800064 Ontario Inc. (A. DiSilvestro), owner, to establish a draft plan of subdivision "Claudette Gardens Phase 7", on lands located west of Garth Street and north of Gisele Drive, known municipally as 1600 Garth Street, in the Falkirk East Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and certified by J.P. Wooley, O.L.S., dated November 15, 1995, showing 49 lots for street townhouses, 3 lots for single family dwellings, 7 blocks to be developed in conjunction with adjacent lands, a block for a 0.30m reserve, a block for the widening of Garth Street and one street identified as Street "A", as shown on the attached map marked as APPENDIX "B".
 - (ii) That the Owner establish Street "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision. All works must be completed to the satisfaction of the Senior Director, Roads Department.

- (iii) That the Owner dedicate by Certificate on the Final Plan of Subdivision a strip of land 8.23m in width along the entire frontage of the subdivision adjacent to Garth Street to the City of Hamilton as a public highway, for road widening purposes.
- (iv) That the Owner provide the Region with documentation satisfactory to the Commissioner of Transportation/Environmental Services that the standard roadway cross-section, utilities and municipal sidewalks etc., for a 20.0m road allowance, can be installed on both sides of Street "A", proposed at 18.0m width.
- (v) That a 4m x 4m daylight triangle be included on the Final Plan of subdivision at the L-shaped bend in the road allowance on Street "A" at Lot 15 and a 1m x 1m daylight triangles on the corner of Lots 1 and 49 at the intersection of Gisele Drive and Street "A".
- (vi) That the Owner convey Block "60", that being a 0.30 m wide reserve along the rear of Lots 1 to 14 inclusive, to the City of Hamilton, by deed, at the time of registration of the Final Plan of Subdivision.
- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
- (viii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:
 - (1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Senior Director, Roads Department;
 - (3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;
 - (4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction.

- (ix) That the Owner merge in title Blocks 56, 58 and 59 with Lots 21, 20 and 19, Registered Plan 62M-760 at the time of registration of the final plan of subdivision.
 - (x) That the Owner merge in title Blocks 53, 54, 55 and 57 with Lots 13, 12, 11 and 10, Registered Plan 62M-746 at the time of registration of the final plan of subdivision.
 - (xi) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (xii) That the Owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.
 - (xiii) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (xiv) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.
 - (xv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (xvi) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
 - (xvii) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands.
 - (xviii) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-90001(R)), 800064 Ontario Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

- (d) That the approved Falkirk East Neighbourhood Plan be amended to add the public highway shown as Street "A" and that Blocks "53" to "57" inclusive, on the draft plan of subdivision be redesignated from "Attached Housing" to "Single & Double" upon Draft Plan Approval of the Plan of Subdivision.

Rezoning Application:

- (e) That approval be given to Zoning Application 95-27, 80064 Ontario Inc., (A. DiSilvestro), owner, requesting a further modification to the "RT-20" (Townhouse-Maisonette) District regulations to remove the prohibition on street townhouse units (Blocks "1" and "2"), and for a change in zoning from "RT-20" (Townhouse-Maisonette) District to "R-4" (Small Lot Single - Family Dwelling) District for Block "3" and to "C" (Urban Protected Residential, etc.) District for Block "4", for lands located west of Garth Street and north of Gisele Drive, known municipally as 1600 Garth Street, in the Falkirk East Neighbourhood, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the "RT-20" (Townhouse-Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, as amended by By-law No. 90-311, applicable to Blocks "1" and "2", be further modified as follows:
 - (1) That Section 4.(a) of By-law No. 90-311 be deleted in its entirety;
 - (2) That notwithstanding Section 10E(2)(a), a townhouse block containing a maximum of 7 single family dwelling units to be used as model units in accordance with the requirements of Section 6.(1) shall be permitted;
 - (3) That notwithstanding Section 10F.(4)(c)(ii), a minimum side yard of 1.75 metres shall be provided and maintained for a Street Townhouse Dwelling, not exceeding two storeys in height;
 - (4) That notwithstanding Section 10F(4)(a), a front yard depth of not less than 7.0 m shall be provided and maintained for Block "1";
 - (ii) That Block "3" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified, to "R-4" (Small Lot Single - Family Dwelling) District;
 - (iii) That Block "4" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified, to "C" (Urban Protected Residential, etc.) District;
 - (iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1195b, and that Blocks "1" and "2" on Zoning District Map W-27D be notated S-1195b;

- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27D for presentation to City Council;
- (vi) That the proposed changes and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

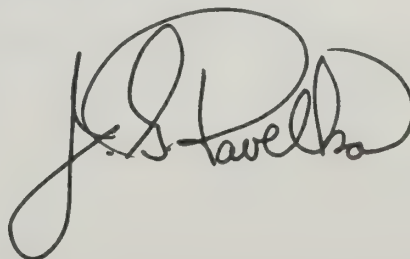
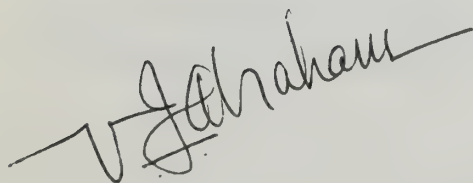
EXPLANATORY NOTE:

The purpose of the proposed By-law is to provide for changes in zoning for lands located west of Garth Street and north of Gisele Drive, known municipally as 1600 Garth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- Blocks "1" and "2" - Further modification to the established "RT-20" (Townhouse - Maisonette) District to permit street townhouse units;
- Block "3" - Change in zoning from "RT-20" (Townhouse - Maisonette) District, modified, to "R-4" (Small Lot Single - Family Dwelling) District; and,
- Block "4" - Change in zoning from "RT-20" (Townhouse - Maisonette) District, modified, to "C" (Urban Protected Residential, etc.) District;

The effect of the by-law is to permit the development of Blocks "1" and "2" for 49 street townhouses in accordance with the proposed draft plan of subdivision "Claudette Gardens Phase 7" (File 25T-90001(R)), and to permit Blocks "3" and "4" to be used with the adjacent lands for single-family dwellings. In addition, the By-law provides for the following special requirements:

- permits a block of 7 townhouses to be built as model units;
- permits a minimum side yard of 1.75 m for a street townhouse dwelling not exceeding two storeys in height on Blocks "1" and "2", whereas the Zoning By-law requires a minimum of 2.0 m; and,
- requires a minimum front yard of 7.0 m for Block "1", whereas the Zoning By-law normally requires a minimum front yard of 6.0 m.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Applicant:**

800064 Ontario Inc. (A. DiSilvestro), owner.

Agent:

James Jackson, Urbex Engineering Limited.

Surveyor:

J. P. Wooley, Urbex Engineering Limited.

Location:

The lands are located west of Garth Street, north of Gisele Drive, known municipally as 1600 Garth Street, in the Falkirk East Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property is an irregular shaped parcel of land and has:

- a width of 83.41 m along Gisele Drive;
- a length of 169.66 m along Garth Street; and,
- an area of 1.739 ha.

Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"RT-20" (Townhouse - Maisonette) District, modified
<u>Surrounding Land Use</u>		

to the north	Single Detached Dwellings and Vacant Lands	"C" (Urban Protected Residential, etc.) District, modified, and "R-4" (Small Lot Single Family Dwelling) District, modified
to the south	Single Detached Dwellings	"R-4" (Small Lot Single Family Dwelling) District, modified
to the east	Institutional (Church) and Vacant Lands	"AA" (Agricultural) District and "DE-3" (Multiple Dwellings) District, modified
to the west	Single Detached Dwellings	"R-4" (Small Lot Single Family Dwelling) District, modified

Subdivision Proposal:

The owner has applied to subdivide the subject lands into 49 lots for street townhouses, 3 lots for single family dwellings, 7 blocks to be developed in conjunction with adjacent lands, a block for a 0.29 m reserve, a block for the widening of Garth Street, and to construct a public highway (Street "A") (see attached APPENDIX "B").

Zoning Applications 90-09 and 92-04

In 1990, an application was made for a change in zoning for the subject lands and the surrounding lands in accordance with the "Claudette Gardens" plan of subdivision. The subject lands were rezoned from "AA" (Agricultural) District to "RT-20" - 'H' (Townhouse - Maisonette) District - Holding as part of Zoning By-law No. 90-311. In addition, Zoning By-law No. 90-311 contained the following special provisions applicable to the subject lands:

- street townhouse were prohibited; and,
- the by-law required that a visual barrier of not less than 1.2m in height and not more than 2.0 m in height be provided and maintained along the northerly and westerly boundary of the subject lands.

The holding provision was to ensure that development would not proceed until municipal sewers were available. The holding provision was removed in 1992.

Site Plan Control Application 95-36

An application for Site Plan Control has been made for Blocks "1" and "2". The application is for 49 street townhouses arranged in 8 blocks. The application has been circulated for review and comment. However, the application cannot be finalized until Council makes a decision on Zoning Application 95-27.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposed draft plan of subdivision complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Attached Housing" on the approved Falkirk East Neighbourhood Plan. Approval of the application would necessitate an amendment to the neighbourhood plan to add the proposed road and to redesignate Blocks "53" to "59" inclusive, as shown on the draft plan of subdivision, from "Attached Housing" to "Single & Double".

COMMENTS FROM CIRCULATION:

- The Hamilton Region Conservation Authority advised:

"The subject property is not located within an area regulated by the Hamilton Region Conservation Authority. As such, no permit is required from this agency for the development of the subject lands.

Erosion and sediment control is a concern to Authority staff. The removal of vegetation combined with the construction process may increase erosion and sedimentation on and off the subject property. In this regard, an erosion and sediment control plan should be prepared and implemented for this development. The approved plan should be implemented prior to any vegetation removal, lot grading or construction on the subject property.

Based on the above, staff of the Hamilton Region Conservation Authority do not have any objection to the approval of this application, subject to the following conditions;

1. That the applicant prepare and implement an erosion and sediment Control Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved erosion and sediment control plan will address the following points:
 - a) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - b) All erosion and sediment control measures be inspected after each rainfall to the satisfaction of the City Engineer;
 - c) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;
 - d) All disturbed areas will be revegetated with permanent cover immediately following completion of construction."

- The Roads Department has submitted the following comments and recommendations:

"For Information:

- 1) We have reviewed this application on the basis that access to the individual residences will be from the internal streets only and not Garth Street.
- 2) For the information of the applicant/owner, the grade of the widened limits of Garth Street must not exceed 0.14m above the corresponding perpendicular centreline elevation of Garth Street to ensure compatibility with the future roadway cross-section and to maximize the visibility of motorists entering Garth Street from Street "A". Any utility relocation required due to a change in the boulevard grades and the street construction are the sole responsibility of the applicant/owner.
- 3) The designated road allowance width of Garth Street is 36.58m and all setbacks must be taken from the widened limits of Garth Street.
- 4) The proposed road allowance width of Street "A" is 18.0m. Our normal requirement for road allowance widths on local streets is 20.0m.
- 5) Reverse frontage lots have been initiated by the applicant/owner for Lots 1 to 14 inclusive, therefore any outstanding costs with respect to the City will apply.

Recommendations:

- 1) That the applicant/owner dedicate by Certificate on the Final Plan of Subdivision a strip of land 8.23m in width along the entire frontage of the subdivision adjacent to Garth Street to the City of Hamilton as a public highway, for road widening purposes.
- 2) That the applicant/owner provide the Region with documentation satisfactory to the Commissioner of Transportation/Environmental Services that the standard roadway cross-section, utilities and municipal sidewalks etc., for a 20.0m road allowance, can be installed on both sides of Street "A", proposed at 18.0m width.
- 3) That a 4m x 4m daylight triangle be included on the Final Plan of subdivision at the L-shaped bend in the road allowance on Street "A" at Lot 15 and a 1m x 1m daylight triangles on the corner of Lots 1 and 49 at the intersection of Gisele Drive and Street "A".
- 4) That the applicant/owner convey a 0.30 m wide reserve to the City of Hamilton, by deed, along the rear of Lots 1 to 14 inclusive, and that this reserve be shown as a separate block on the Final Plan of Subdivision.
- 5) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

The submitted plan as prepared by J.P. Wooley, O.L.S., dated November 15, 1995 is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations."

- The Traffic Division advised that:

"The proposed development will provide minimal on-street parking. The applicant should attempt to maximize off-street parking to ensure that the visitor parking does not spill over into the adjacent streets"

- Regarding the proposed changes in zoning, the Building Department advised that:

- "1. Street townhouses are not permitted in the RT-20/S-1195a as stated in By-law 90-311, Section 4(a).
2. Street townhouses, subject to the "RT-30" District, require a minimum lot area of 180m² and a minimum lot width of 6.0m for each dwelling unit. No calculations have been provided to determine compliance for these requirements.
3. By-law 90-311, Section 4(b) requires a "*visual barrier not less than 1.2m in*

height and not more than 2.0m in height shall be provided and maintained along the northerly and westerly boundaries of Block 5". The northerly and westerly boundaries according to Schedule A of By-law 90-311 are proposed to be changed with ZAC-95-27.

4. By-law 92-165, Section 4 permitted the "H" (Holding) symbol to be removed and was "*subject to special requirements*" referred to in Section 4 of By-law 90-311 which refers to sentences 1 and 2 noted above.
5. There is a discrepancy of dimensions along the lot width front off of Garth Street (179.63m) and the southerly side lot line (91.67m) on Schedule A of By-laws 90-311, 92-165 and the site plan submitted dated December 7, 1995. Site plan submitted states the dimension along the lot width fronting off of Garth Street is 169.64m and the southerly side lot line is 91.93m (83.41m + 0.29m reserve + 8.23m).
6. The 0.29m reserve is to be established, otherwise units 1 through 14 will be considered lots that are through lots.
7. Street "A" is not established as of today's date (January 15, 1996)."

Regarding the proposed plan of subdivision, the Building Department advised:

- "1. Due to the proposed ZAC-95-27 for a rezoning to RT-30 District, the minimum lot width of 6.0m is required. Lot widths for lots 24 to 32, do not specify if the dimension stated is measured at a depth of 9.0m from and parallel to the front lot line or from the chord of the front lot line. Lots 1 to 23 and lots 33 to 49 do meet the minimum lot width requirement of 6.0m.
2. Due to the proposed ZAC-95-27 for a rezoning to RT-30 District, the minimum lot area of 180 m² is required. Lots 16 to 18 do not provide the minimum lot area requirement. Lot 15 and lots 24 to 34 are shaped irregular, no calculations have been submitted to state the lot area for each individual lot, cannot determine compliance. Lots 1 to 14, lot 19, lots 20 to 23 and lots 35 to 49 meet the minimum lot area requirements of 180m².
3. Lots 50 to 52 are located in the C District. The minimum lot width of 12.0m and the minimum lot area of 360m² is required for each individual lot. No calculations have been provided, cannot determine compliance due to the lots being shaped irregular in regards to lot width and lot area.
4. Blocks 53 to 59 must be developed in conjunction with adjacent lands.
5. Block 60 (0.29m reserve) shall be established.

6. It is our understanding that Block 61 is to be dedicated to the City for road widening purposes."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the land use designations of the approved Falkirk East Neighbourhood Plan. However, a Neighbourhood Plan amendment is necessary since the proposal establishes a new local road. In addition, approval of the application would necessitate the redesignation of Blocks "53" to "59" inclusive, as shown on the draft plan of subdivision, from "Attached Housing" to "Single & Double".
3. The application has merit and can be supported on the following basis:
 - it complies with the intent of the Official Plan;
 - the proposed plan of subdivision implements the approved neighbourhood plan; and,
 - it is compatible with existing and proposed development in the area.
4. The "Attached Housing" designation permits 25-37 units/hectare (10-15 units/acre). The subject lands are approximately 1.8 ha. in size. Therefore, a total of 65 block townhouse units could be developed on the subject lands. The applicant is proposing 49 street townhouse units. As such, the proposal is a 24% reduction in the number of units.
5. The applicant is proposing a 18.0m wide right-of-way. During the pre-consultation meeting, the applicant agreed to a minimum front yard setback of 7.0 m for Lots 1-23 inclusive and Lots 35-49 inclusive to provide additional off-street parking (shown as Block "2" on Appendix "A"). The increased front yard setback has been shown on the site plan submitted by the applicant.
6. Section 6(1) of Zoning By-law No. 6593 permits the construction of a single detached dwelling for use as a model home prior to the installation of full municipal services in accordance with applicable provisions of the Zoning By-law. The applicant has requested that the City permit the construction of one townhouse block for the use as model homes. This townhouse block would be subject to site plan control. As such, the request could be accommodated by amending Site Plan Control Application DA-95-36 to show the model units as Phase 1. The remaining units would be developed as Phase 2. The applicant would be required to provide landscaping and visitor parking as part of Phase 1. The visitor parking area would subsequently be developed for townhouse units upon

registration of the Plan of Subdivision. Therefore, the by-law should contain a special provision to permit a townhouse block containing a maximum of 7 single family dwelling units to be used as model units in accordance with the servicing requirements of Section 6.(1) of the Zoning By-law.

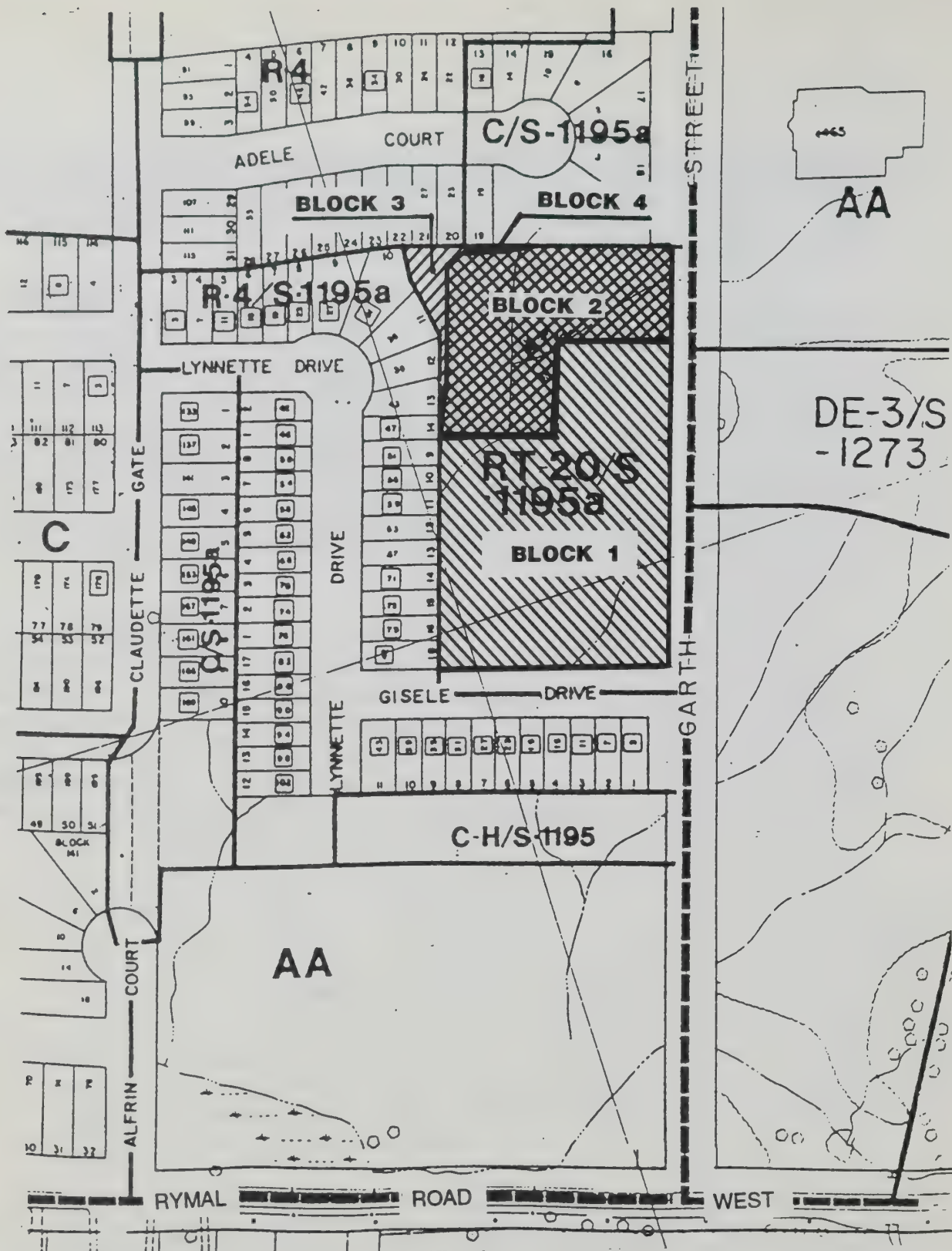
7. The applicant has provided a survey plan which shows the dimensions of Block "1" and the proposed street townhouse lots. Lots 16, 17 and 18 will be 6.20 m x 29.09 m for a total lot area of 180.4 m². This complies with the requirements of the Zoning By-law. The survey plan shows that Lot 15 is larger, being 8.20 m x 27.09 m, for a total lot area of 222 m². Lots 24 to 34 are irregular in shape but as a condition of draft plan approval, the Owner will be required to provide the City of Hamilton with a certified list prepared by an Ontario Land Surveyor showing the net area and width of each lot and the gross area of the subdivision in the final plan. The Building Department has advised that the additional information provided on the survey plan addresses their concern regarding lot width and lot area.

The Building Department noted that there is a discrepancy of dimensions along the lot width front off of Garth Street and the southerly side lot line (91.67m) on Schedule A of By-laws 90-311, 92-165 and the site plan submitted dated December 7, 1995. Schedule A of By-law 90-311 shows Block "1" as being 179.63 m x 91.67 m. The survey plan provided by the applicant shows Block "1" as being 169.64 m x 91.64 m. The discrepancy in the length of Block "1" is because the zoning lines extend to the centreline of the street. Gisele Drive is a 20.0 m wide road. As such, the "RT-20" District extends 10 m beyond the property line of Block "1" to the centreline of Gisele Street.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

SR/sr
ZAC95-27.rpt



Legend

Proposed change in zoning :



BLOCK 1



BLOCK 2

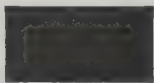
Further modification to the established
"RT-20" (Townhouse - Maisonette) District.

BLOCK 3

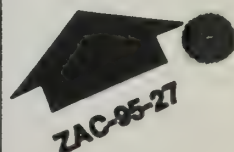


From "RT-20" (Townhouse - Maisonette) District
modified, to "R-4" (Small Lot Single Family Dwelling) District.

BLOCK 4



From "RT-20" (Townhouse - Maisonette) District
modified, to "C" (Urban Protected Residential, etc.) District.



CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 January 23
(CI 96-A)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Front Yard Landscaping Provisions

RECOMMENDATION:

That approval be given to City Initiative 96-A, to amend Zoning By-law No. 6593, to require at least 50% of the front yard for single, two and three-family dwellings to be landscaped as follows:

- a) That Section 18 - Supplementary Requirements and Modifications be amended to include a new section as follows:

SPECIAL REQUIREMENTS FOR FRONT YARD LANDSCAPING

- "18.(14a) Notwithstanding any other provision of this by-law, for any single-family dwelling, two-family dwelling or three-family dwelling:
- (i) not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers, or other similar materials;
 - (ii) for the purposes of clause 14.(i), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:

- (iii) Notwithstanding clause 14.(i), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:

- a) a driveway between the front entrance of the garage and the street line with maximum width of:
 - 1) 3.0 m for each door of a one, two or three car garage; or,
 - 2) 5.5 m for a double door of a two car garage; and,
- b) a walkway between the front entrance of the principle dwelling and the street line or driveway with a maximum width of 0.6 m.

provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel pavers, or other similar materials."

- b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

N/A

BACKGROUND:

- History of By-laws

In 1992, City Council passed By-law No. 92-281, which established regulations for converted dwellings, including parking. In this regard, parking for only one of the dwelling units may be located in the required front yard provided a minimum of 50% of the front yard is landscaped. The intent of these provisions was to reduce the incidence of paved over front yards, thereby retaining the streetscape and residential character of the area.

Subsequently in 1993, City Council passed By-law No. 93-063 which amended By-law No. 92-281. The effect of the By-law was to prohibit unrequited parking in the front yard of all single and two-family dwellings, unless 50% of the area is landscaped.

In 1994, By-law No. 94-145 was passed to correct some technicalities.

- Existing Problem

In a recent case, a gentlemen paved over his entire front yard and provided the parking in the rear yard. The Zoning By-law, as it is written today does not prohibit such a situation since all the landscape provisions are directly related to cases where a person is using the front yard for **parking purposes**.

To ensure the regulations are applied in a consistent manner it would be appropriate to require that 50% of the front yard is landscaped even though the front yard may not be used for parking.

The Building and Law Departments have requested this change be made to the By-law.

CONCLUSION:

Based on the foregoing, the proposed general text amendment can be supported.

JHE

Fred Eisenberger

Alderman Ward 5 - Regional Councillor



4

 City of
HAMILTON

MEMORANDUM:

TO: Alderman Henry Merling
Chairman
Transport & Environment Committee

FROM: Alderman Fred Eisenberger

DATE: January 17, 1996

RE: MR. KING LEE, 678 COCHRANE ROAD, HAMILTON

My constituent, Mr. King Lee, wishes to appear before the Transport and Environment Committee to challenge a bill he received for the removal of debris from 433 WAVERLY (see attached).

Would you please advise me of the date and time, when Mr. Lee can appear as a delegation.

Thank you for your co-operation.

FE:nb
Attch.

c.c. -Alderman Geraldine Copps, Ward 4
-Mr. Kevin Christenson, Secretary, Transport & Environment Committee
-Mr. K. Lee, 678 Cochrane Road, Hamilton, Ont. L8K 3H8

**referred to Tina Agnello, Secty, Planning + Development Ctte.*





City of
HAMILTON

Building Department

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4687 / Fax (905) 546-2764

1996 February 2

Alderman Fred Eisenberger
Alderman, Ward 5
c/o Aldermen's Office
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Alderman Eisenberger:

Re: 433 Waverly

In response to your request attached please find documents regarding this Departments action in removing shingles from the above address. I would further advise that we have just recently received an invoice from Philip Enterprise for the cost of disposal of these shingles. As you can see from the invoice the weight of these shingles was 1.43 Tons. Trusting this information is of some assistance to you.

Yours truly,

L. W. Harvey
Supervisor of Field Services



Fred Eisenberger

Alderman Ward 5 - Regional Councillor



City of
HAMILTON

January 10, 1996

Mr. King Lee
678 Cochrane Road
Hamilton, Ont.
L8N 3H8

Dear Mr. Lee:

As requested, I have asked the Building Department for a breakdown in the cost of your billing for debris removal at 433 Waverly. They advised me as follows:

Labour...2 men @ 3 hrs. each @ \$37 per hour = \$222.00
2 truck loads to dump plus tax and
\$75.00 administration fee = \$ 81.66

TOTAL..... \$303.66

I trust this answers your concerns and glad to have been of assistance in this matter. Any further questions you might have should be directed to Mr. Larry Harvey in the Building Department. He can be reached at 546-4687.

Yours truly,

Fred Eisenberger
Alderman, Ward 5

FE:nb





City of
HAMILTON

Building Department

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4687 / Fax (905) 546-2764

1995 December 19

Alderman G. Copps
Alderman, Ward 4
Aldermen's Office
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Alderman Copps:

Re: 433 Waverly

In response to your enquiry re: the above address please be advised as follows. As a result of a complaint received on August 16/95 regarding debris on the property an Order to Comply was posted on site indicating that the debris must be removed within seven days. A reinspection was made on Sept. 5/95 which revealed that no changes had taken place. As a result of this a request was sent to our contractor to carry out the work. This work was done sometime between Sept. 6/95 and Sept. 11/95. The cost of this work was \$228.66 to which was added an additional administration fee of \$75.00. Trusting this information is of some assistance to you.

Yours truly,

L. W. Harvey
Supervisor of Field Services



5.

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: Tina Agnello, Secretary
Planning and Development Committee
City Clerk's Department

YOUR FILE:

FROM: J. J. Schatz
City Clerk

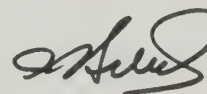
DATE: 1996 January 31

SUBJECT: DEMOLITION - 266 TO 280 KING STREET EAST

Council at its meeting of 1996 January 30 referred back Section 5 of the First Report of the Planning and Development Committee as follows:

That the Building Commissioner be authorized to issue a demolition permit, as per Section 33 Chapter 1(7) of The Planning Act for the building located at 266 - 280 King Street East in accordance with By-Law 74-290 subject to the following conditions:

- (a) That the new building to be substantially completed on the site not more than two years from the day demolition of the existing residential property is commenced; and,
- (b) That failure to complete the new building within the time specified, the City shall collect the maximum sum of \$20,000. for each of the 17 dwelling units in a like manner as municipal taxes. The condition for redevelopment shall be registered on title in accordance with the provisions of the Planning Act.
- (c) That the demolition permit be issued only upon issuance of a building permit.



jjs:ta:br

cc: Len King, Commissioner of Building Department
Patrice Noé Johnson, City Solicitor

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: Tina Agnello, Secretary
Planning and Development Committee
City Clerk's Department

YOUR FILE:

FROM: J. J. Schatz
City Clerk

DATE: 1996 January 31

SUBJECT: DEMOLITION - 266 TO 280 KING STREET EAST

Council at its meeting of 1996 January 30 referred back Section 5 of the First Report of the Planning and Development Committee as follows:

That the Building Commissioner be authorized to issue a demolition permit, as per Section 33 Chapter 1(7) of The Planning Act for the building located at 266 - 280 King Street East in accordance with By-Law 74-290 subject to the following conditions:

- (a) That the new building to be substantially completed on the site not more than two years from the day demolition of the existing residential property is commenced; and,
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- (c) That the demolition permit be issued only upon issuance of a building permit.

jjs:ta:br

cc: Len King, Commissioner of Building Department
Patrice Noé Johnson, City Solicitor



CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 January 19

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of: 266 - 280 KING STREET EAST
Tag Number 95740 (96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit, as per Section 33 Chapter 1(7) of The Planning Act for the building located at 266 - 280 King Street East in accordance with By-Law 74-290 subject to the following conditions:

- a) That the new building to be substantially completed on the site not less than two years from the day demolition of the existing residential property is commenced; and,
- b) That failure to complete the new building within the time specified, the City shall collect the maximum sum of \$20,000. for each of the 17 dwelling units in a like manner as municipal taxes. The condition for redevelopment shall be registered on title in accordance with the provisions of the Planning Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H - "H"/S-1189 (Map E-4)

PRESENT USE: Residential/Commercial

PROPOSED USE: Residential/Commercial

BRIEF DESCRIPTION: Owner wishes to demolish the existing 3½ storey brick building. The building is vacant now and is in poor condition. Owner wishes to erect a building containing commercial and residential units. Due to the condition and deterioration of the building, the owner wishes to waive the requirements of Demolition Control By-Law for the Central Area which requires a building permit to be issued prior to the issuance of the demolition permit for the subject property. Copy of the owner's letter is attached. LACAC interest. Lot size 165' x 175.75'.

The owner of the property as per the demolition permit is:

Spallacci & Sons Ltd
85 Lancing Drive, Unit Q
Hamilton On L8W 2Z9

 ND/zr

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 January 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Hazel Milsome, Secretary
Greater Hamilton Downtown Community Development
Corporation 's Founding Board

SUBJECT: Residential Conversion of Non-residential Buildings in
the Central Business District.

RECOMMENDATION:

1. That the Planning Department staff be directed to schedule a Public Meeting, in accordance with the requirements of the Planning Act, to consider a City Initiative to amend Zoning By-law No. 6593 to allow for the conversion of non-residential buildings, above the ground floor, within the Central Business District to residential uses without required parking.

Hazel Milsome

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staffing implications to be determined by the Director of the Planning Department.

BACKGROUND:

At its meeting held 1996 January 15 the Greater Hamilton Downtown Community Development Corporation 's Founding Board discussed a number of initiatives that would encourage residential development within Hamilton's downtown core. The Board also discussed existing impediments one of which was the present parking requirements for buildings converted to residential uses within the Central Business District.

The Planning Department provided the following information to the Board that was the basis for the above recommendation:

Currently, within the Central Business District, parking for Commercial, Public and Institutional uses are **reduced** (see Appendix 'A' - Area 'B') or **not required** (see Appendix 'A' - Area 'A'), whereas it is only **reduced** for multiple Residential development (see Appendix 'B' - Area 'A' 0.8 space/unit - Area 'B' 1.0 space/unit vs. 1.25 spaces/unit).

Although the reduced standards for multiple residential uses may be an incentive for new development, it has been cited as a deterrent for the conversion of existing building stock. More specifically, most of the vacant commercial buildings in the Central Business District were built without the provision of parking. Consequently, even reduced standards become an impediment to residential conversion.

From a Planning perspective, it would be appropriate to eliminate the parking requirement for residential conversions where they occur within the same area as they are eliminated for Commercial, Public and Institutional uses (see Appendix 'A' - Area 'A'). This initiative is supported by the following factors:

- **Planning Policies**

The thrust of current planning policy is to **"strengthen the residential function of this area"** (Official Plan policy 2.9.3.1 i); to encourage residential conversions, particularly **"where commercial space is under utilized, which may include upper floors of retail space"** (Central Area Plan policy 4.1.8); and to actively encourage residential development **"through actions taken by Council which may include special incentives"** (Central Area Plan policy 4.1.7).

- **Accessibility to Transit and Parking**

The subject area has access to a high level of transit service, and is readily accessible from both public and private parking lots.

- **Location**

The boundaries for the proposed "0" parking area includes the focus area for the Greater Hamilton Community Development Corporation.

- **Sustainable Development**

The establishment of an "0" parking area as an incentive to encourage the residential conversion of non-residential buildings in the Central Business District, would be supportive of the goals and strategies respecting the implementation of Vision 2020.

Strategies Include:

Develop in co-operation with the area municipalities, an initiative to encourage increased residential development above commercial strips along transit corridors.

- **Parking Policy Trends**

Based on Planning Departmental survey findings, it would appear that current Parking Policy Trends are intended to reduce parking requirements for residential uses within Central Business District's, and to promote public transit usage.

- **Market Conditions**

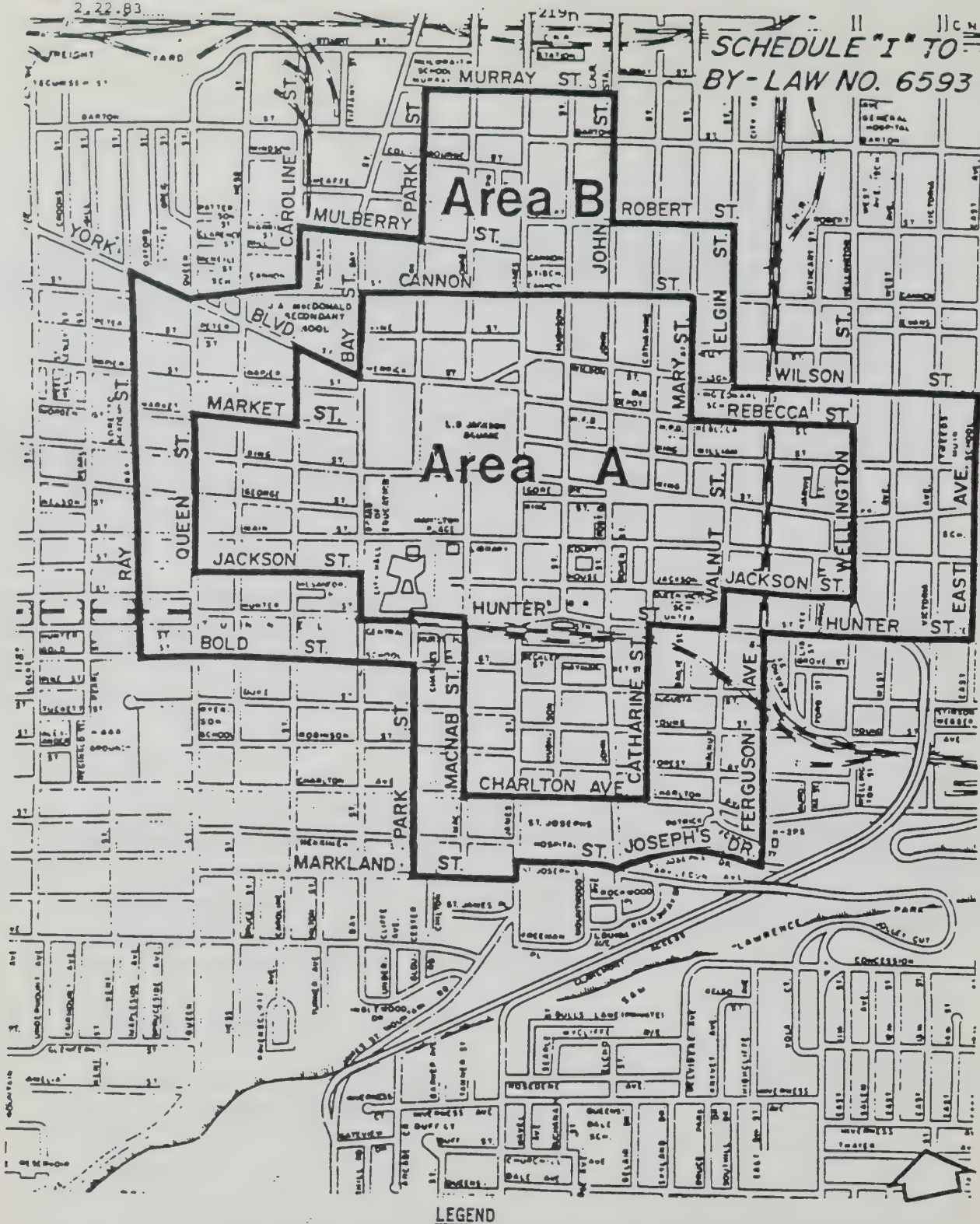
Regardless of whether or not there is a parking requirement for this area, it has been our experience that developers will provide parking to satisfy market conditions.

HM:BJ:hm

Attach 's.

c.c. Victor Abraham, Director of the Planning and Development Department

SCHEDULE "I" TO BY-LAW NO. 6593



— Delineates boundary of those areas in which parking for Commercial, Public and Institutional uses are reduced or not required

Bill No. D-33

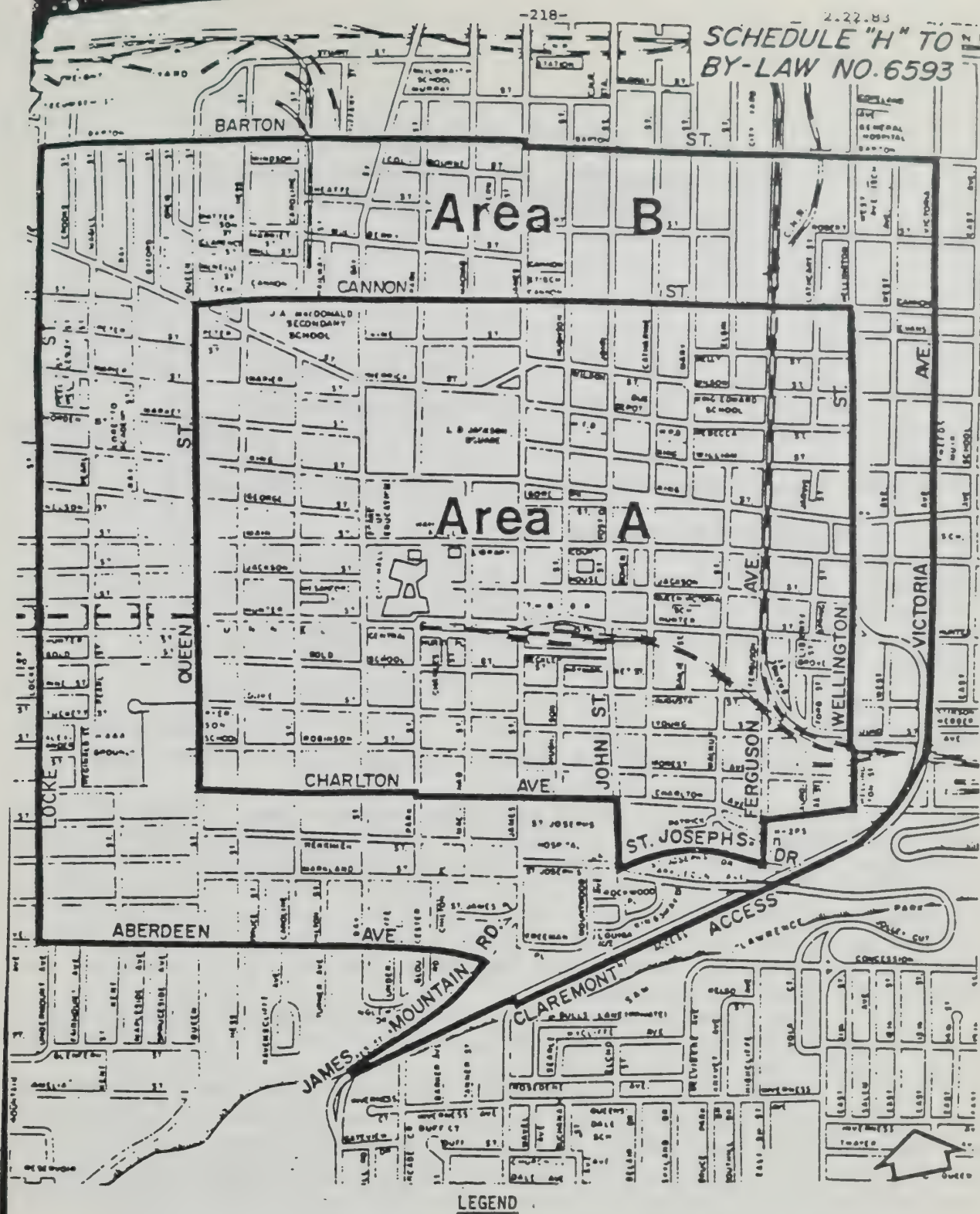
This is Schedule "A" to By-law No. 83-66 passed the 22nd day of February, 1983.

THE CORPORATION OF THE CITY OF HAMILTON

E.A. Luffman
City Clerk

mmow
Mayor

APPENDIX A



Delineates boundary of those areas in which parking requirements for Multiple Residential uses are reduced.

Bill No. D-33

This is Schedule "A" to By-law No. 83-66 passed the 22nd day of February, 1983.

SA Simpson
City Clerk

THE CORPORATION OF THE CITY OF HAMILTON

Mayor

APPENDIX B-3

SPALLACCI & SONS LTD.

Q-85 LANCING DRIVE - HAMILTON, ONTARIO L8W 2Z9
TEL (905) 389-6421 FAX (905) 389-0820

BY FAX # 546-2764**Attention: Nancy Drapeau**

Customer Service Representative
Building Department
3rd Floor
City Hall
Hamilton, Ontario.
L8N 3T4

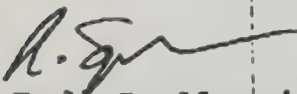
CITY OF HAMILTON	
DEPARTMENT OF BUILDINGS	
JAN 15 1996	
REC BY <u>DN</u>	DATE _____
REFD TO <u>WJ</u>	DATE _____
REFD TO <u>red</u>	DATE _____
REFD TO _____	DATE _____

JANUARY 9, 1996.**Dear Nancy:****RE:TAGS # 95740,95741; 260-280 KING STREET EAST**

This is to inform you that we are the owners of the above mentioned property and would like to wave the requirements under the Demolition Control By-law as required under the Planning Act. Furthermore we are concerned with the Structural integrity of the buildings on the property and of the safety of the Citizens of the City of Hamilton due to the previous fires. We have applied for Demolition permits for the buildings so as to reduce any further concerns.

The site is for a proposed Residential, Commercial Complex which we have scheduled to start within a 24 month period after demolition of the buildings.

We have no intention to use the site for parking lot use. After the demolition is complete, the lot shall be graded and blocked off so as not to permit anyone to park on the site. We would also like to note that we will not proceed with any demolition until we have council approval. Hoping to here from you in the near future.

Sincerely,

Rudi Spallacci.
Spallacci & Sons Ltd..

6.

CITY OF HAMILTON

- RECOMMENDATION -

FEB 01 1996

DATE: 1996 February 1

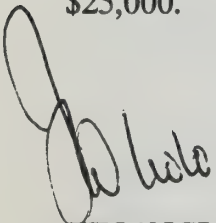
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Barton Street Revitalization Program - Various
Streetscaping Improvements within The Barton General
Business Improvement Area (B.I.A.) Boundaries.

RECOMMENDATION:

That the concept plans attached as Appendix 'A' identifying various streetscaping improvements within the boundaries of the Barton General B.I.A. be approved for implementation under the Barton Street Revitalization Program at an estimated cost of \$25,000.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient monies to implement the attached concept plans are contained within the Barton Street Revitalization Program Account Number CH 24107-0001. The Program is funded 100% by The Province of Ontario.

The maintenance implications of the project are estimated at \$200. which is reflected as an increase in the base budget for the current account number CH 61408 Roadway Tree Trimming.

BACKGROUND:

At its meeting held 1995 March 28 City Council approved the implementation of The Barton Street Revitalization Program within the boundaries of the Barton General B.I.A. The Program consists of four components: i) streetscaping; ii) loans and grants for improvements to buildings; iii) a mural project; and, iv) special events.

Staff from The Public Works and Traffic Department held a series of meetings with members of The Barton General B.I.A. and various stakeholders to identify priorities for implementation under the streetscaping component of the revitalization program. The results of the meetings identified the number one objective was to create "green" areas along Barton Street to soften the existing corridor. Other components identified include, but are not limited to: safety; lighting; sidewalk widening. A separate report will be forthcoming to implement other initiatives upon the Provincial Government forwarding additional monies under the Program.

The streetscaping components described in the attached appendix are all on publicly owned property and are at the following locations:

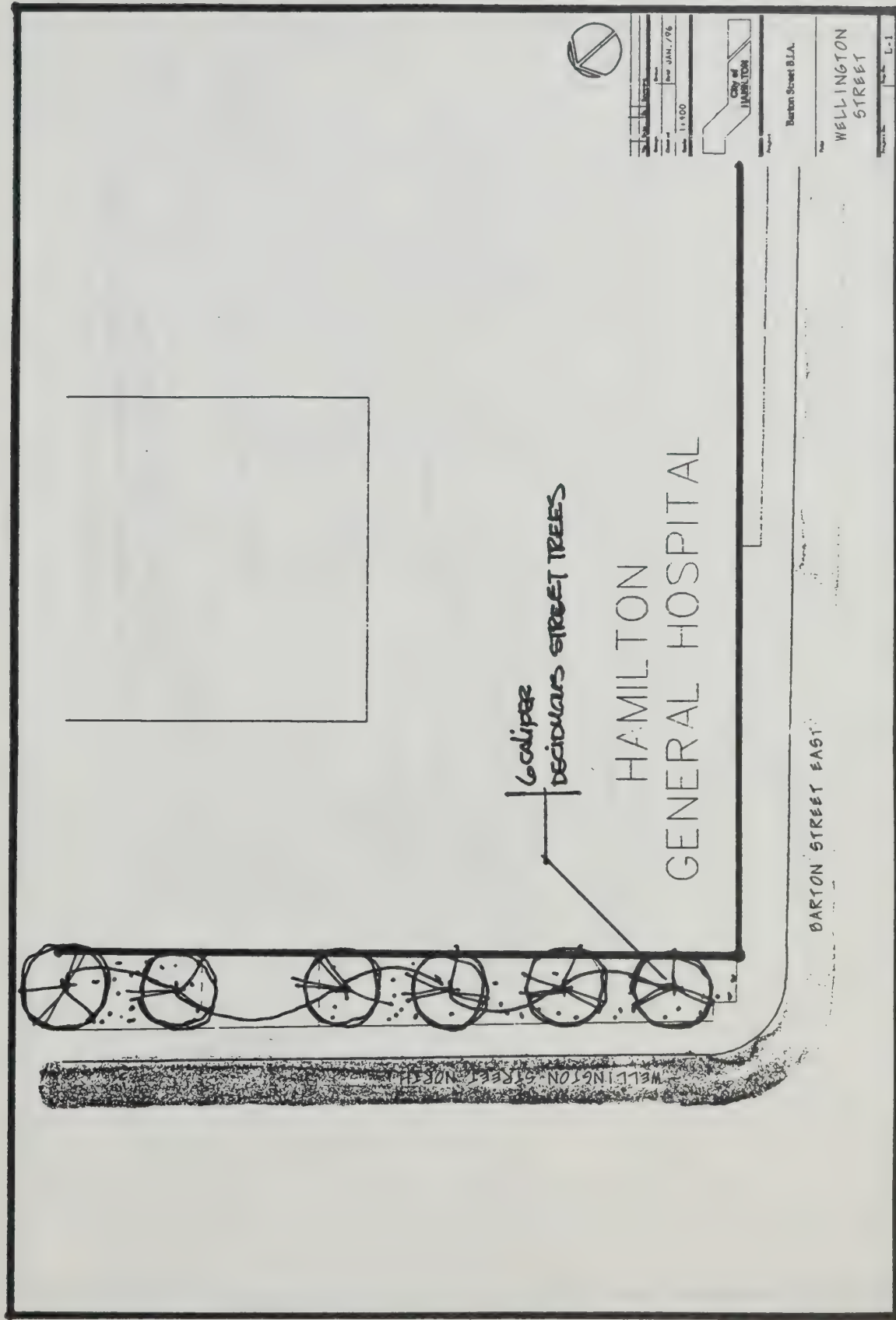
- The north-east corner of Barton Street East and Wellington Street North
- The south-east corner of Barton Street East and Victoria Street
- The south-east corner of Barton Street East and Emerald Street
- The north-west corner of Barton Street East and St. Matthew's Avenue.

The improvements include the planting of trees and shrubs, concrete curbing and pavement.

HM:hm *W*

Attach.

c.c. Mr. K. Cody, Chairman, Barton General B.I.A.
Mr. D. Clark, Building Department
Mr. E. Hess, Public Works and Traffic Department



BARTON STREET EAST

Gas
Stn.

PERCENTAGE

TIME

PAINLESS AREA

- 1 caliper deciduous street tree
- low deciduous & broadleaf evergreen shrubs
- low complete protection covering

Barton Street B.I.A.

VICTORIA
STREET

1.9

Design	Series
Revised	Date 11/11/76



DARTON STREET EAST

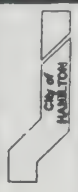
OPTIONAL AREA 'B'

AREA 'A'
 2' CUL-DE-SAC DECIDUOUS
 STREET TREES
 LOW DECIDUOUS
 + BROADLEAF
 EVERGREENS / SHRUBS
 LOW CURB CUTS
 PROTECTION CURBS

EMERALD STREET



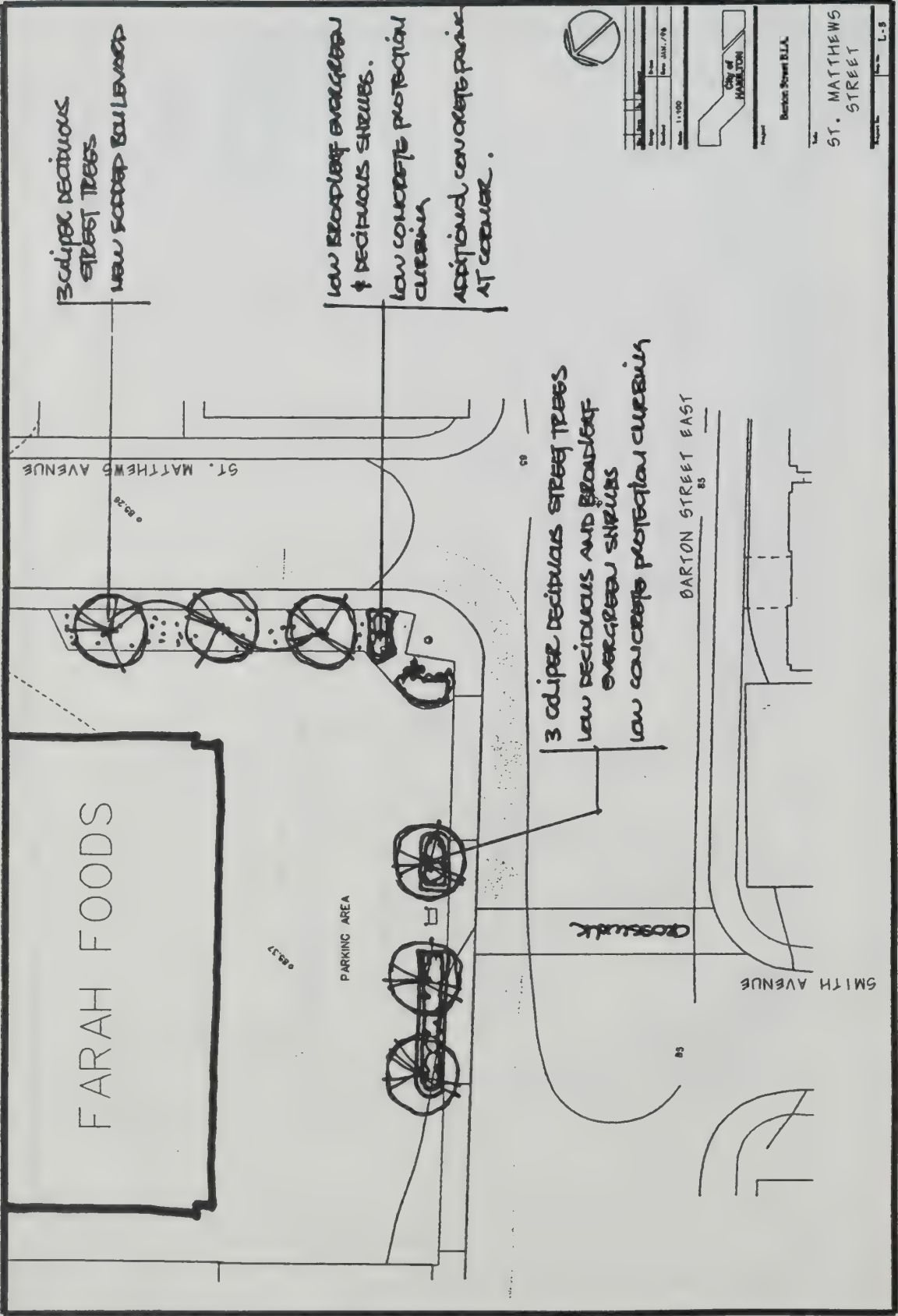
City of Hamilton	Project	Barton Street B.L.A.
Drawn	JAN. 7/98	
Scale	1" = 100'	



Barton Street B.L.A.

EMERALD STREET

Page 1-4



3 deciduous street trees
new sodded boulevard

low broadleaf evergreen
& deciduous shrubs.
low concrete protection
curbing
additional concrete paving
at corner.

3 deciduous street trees
low deciduous and broadleaf
evergreen shrubs
low concrete protection curbing

City of	Hamilton
Project	
Sheet	1 of 100
Date	11/1/00
Drawn	AMC / JPB
Check	



Project
Barton Street E.L.A.

Sheet
ST. MATTHEWS
STREET

Scale
1" = 5'

CITY OF HAMILTON

- FOR DISCUSSION -

DATE: 1996 January 17
4498

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

L. C. King, P.Eng.
Building Commissioner

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Bill 20 - Proposed Revision to the Planning Act

BACKGROUND:

On November 16, 1995, the Minister of Municipal Affairs and Housing introduced for First Reading "*Bill 20 - An Act to promote economic growth and protect the environment by streamlining the land use planning and development system through amendments related to planning, development, municipal and heritage matters*". As noted in the fact sheet provided by the Province, Bill 20 "combines a number of legislative amendments to various acts dealing with land-use planning and development. In general, the amendments contained in Bill 20 will authorize greater decision-making powers for municipalities and remove unnecessary regulation". The primary legislations to be amended by Bill 20 are:

- (i) the Planning Act;
- (ii) the Development Charges Act;
- (iii) the Ontario Heritage Act;
- (iv) the Assessment Act; and,
- (iv) the Municipal Act.

The explanatory note of Bill 20 is attached as APPENDIX "A".

Bill 20 received Second Reading on December 14, 1995 and the Standing Committee on the Administration of Justice will hold hearings on Bill 20 in February, 1996. The Province has advised that it is their intent for Bill 20 to receive Third Reading in the Spring, 1996 with Proclamation to occur in the late-Summer, 1996.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As the Province has not finalized the proposed revisions to the Comprehensive Set of Policy Statements, it is difficult to accurately evaluate the implications of Bill 20. It is anticipated that the Province will be providing more information on Bill 20 and the new set of policy statements, at which time staff will report back on all financial, staffing and/or legal implications of Bill 20.

SYNOPSIS OF PROPOSED CHANGES TO THE PLANNING ACT:

The Province is proposing a series of amendments to the Planning Act. The purpose of these amendments are "to streamline the planning process, give greater autonomy to municipalities and protect the environment within the context of economic development". The following is a synopsis of the more significant amendments to the Planning Act.

1. Application Review Time Frames

In announcing the proposed revisions to the Planning Act, the Province indicated that the changes will "cut maximum approval times in half". The amount of time available for the circulation and technical review have been significantly reduced. The revisions establish the following time frames for a decision by Council:

	EXISTING (Bill 163)	PROPOSED (Bill 20)
Official Plan Amendments	180 days	90 days
Rezoning Applications	90 days	90 days
Plans of Subdivision	180 days	90 days
Consent Applications	90 days	60 days

A standard 90 day time frame is being proposed for OPAs, rezonings and plans of subdivision.

As part of the streamlining initiatives, Bill 20 removes the requirement of a 14 day "cooling-off" period between the public meeting and Council decision on a proposed OPA. This requirement was enacted as part of Bill 163. The waiting period was problematic in that it tied up the zoning process if there is an associated OPA. In the City of Hamilton, under Bill 20 there will be a minimum of 6 days between the public meeting and Council adoption.

In addition, the Province is proposing to require that the Clerk must give notice of the passage of a zoning by-law within 15 days. At present, there is no requirement in the Planning Act regarding the time period in which notice must be given. The 15 day requirement was previously in the Planning Act and is being restored as part of the overall streamlining measures in Bill 20.

At the present time both Section 34 of the Planning Act and Ontario Regulation 44/95 require that the notice of passage of a zoning by-law indicate the last day for the filing of an appeal. In order to reduce duplication, the Province is proposing to remove this requirement from the Planning Act. However, the requirement will remain in the Regulation.

2. Official Plan Amendment Approvals

In addition to reduced time frames, under Bill 20 the Province is proposing to amend the Planning Act to establish an alternative method of processing Official Plan Amendments (OPA). The alternative process will treat Official Plan Amendments like zoning by-law amendments in that the decision of Council would be final if no objections are received. This would eliminate the need for the City of Hamilton to forward OPAs to the Region for approval where there are no objections to the OPA. However, prior to the enactment of this alternative process, the City and Region would have to develop a protocol agreement to ensure that Regional concerns are adequately addressed as part of the technical circulation and review of the proposed OPA.

3. Compliance with Provincial Policy

The Province is proposing to amend Section 3 of the Planning Act to return to the requirement that local planning authorities' decisions "**have regard for**" provincial policy statements. The Province had previously amended the Planning Act to require municipalities to be "**consistent with**" provincial policy. However, there were concerns that this requirement was too restrictive and did not allow for sufficient local flexibility in implementing the policies. Furthermore, within the City of Hamilton, the "**have regard for**" provision has not resulted in any problems in the past given the City's commitment to proactively implement provincial policies on matters such as affordable housing and residential intensification.

In order to facilitate the transition, Bill 20 states that if no decision has been made on an application made after March 28, 1995, then the **"have regard"** provision will apply instead of the requirement that municipal decisions be **"consistent with"** the applicable provincial policy statements.

4. Committee of Adjustment and Land Division Committee

Under the provisions of Bill 20, direct appeals of minor variance and consent decisions to the Ontario Municipal Board will be eliminated. Council would be the approval authority for minor variance and consent decisions and may delegate it's authority to a committee of adjustment as per the existing situation in the City of Hamilton. Alternatively, Council may delegate its approval authority to a committee of Council (eg the Planning and Development Committee).

Under the proposed revisions, decisions of the Committee of Adjustment and/or Land Division Committee will be subject to the following:

- (i) If Council is the approval authority, or if it delegates to a committee of Council or the committee of adjustment which is comprised of **one or more members of Council**, decisions would be **final**. Decisions would not be subject to review by Council, nor could they be appealed to the Ontario Municipal Board.
- (ii) Alternatively, if Council has delegated it's approval authority to a committee of adjustment which **does not consist of any members of Council**, then any appeal of the committee's decision would be **subject to review by Council**, or if the municipality wishes, it would be able to **refer the matter to the OMB** as an appeal.

Council's decision on the review would be final. This provision will only apply if there are **no members of Council** on the Committee of Adjustment or the Land Division Committee.

If **there are members of Council** on the Committee, then the Committee's decision **would be final**. The proposed changes to Section 45 of the Planning Act are designed to reduce the number of appeals dealt with by the Ontario Municipal Board and provide faster decisions on appeals of committee decisions. In addition, the proposed changes are intended to provide municipalities with greater autonomy in local decision making on matters such as minor variances.

Where Council refers an application to the Ontario Municipal Board, then the OMB will have the power to recover the full administrative cost of the hearing from the municipality. This would be above the direct cost to the municipality in terms of staff

time and resources to defend the Committee's decision at the OMB.

Planning staff have contacted the Province to seek clarification as to whether or not Council can delegate the review function to a committee (eg Planning and Development Committee) given that it is Council's practise to receive all delegations at the Committee level. Provincial staff have advised that under the provisions of Bill 20, the review of Committee of Adjustment decisions cannot be delegated to a committee of Council.

It is noted that under the existing arrangement in the City of Hamilton, upon proclamation of Bill 20 then the decision of the Committee of Adjustment will be final. There will be no opportunity for appeal by applicants, adjacent property owners or for a review by Council.

In accordance with the provisions of the Planning Act, City Council has four options for considering minor variances. The options are:

- (i) all applications can be considered directly by Council;
- (ii) Council can delegate its authority to a Committee (eg the Planning and Development Committee);
- (iii) the Committee of Adjustment can be restructured such that there are no members of Council on the Committee; or,
- (iv) the Committee of Adjustment can be maintained in its current form with two members of Council on the Committee.

In 1995, 274 applications were made to the Committee of Adjustment. Many of these applications are non-controversial and have no negative effect on adjacent property owners. As such, due to the nature and number of applications made on an annual basis, having either Council or the Planning and Development Committee deal directly with all applications may not be practical and would detract from the amount of time available for the review and consideration of more complex development applications.

Alternatively, Council could elect to restructure the Committee of Adjustment such that there would be no members of Council on the Committee of Adjustment. If Council did this then, under Bill 20, appeals of the Committee's decision would be heard by Council. However, given that the members of the Committee are halfway through the term of their appointment, it may be premature to restructure the Committee of Adjustment at this point in time.

The fourth option for Council is to maintain the existing composition of the Committee of Adjustment. As there are presently two members of Council on the Committee, then under the provisions of Bill 20 the decision of the Committee will be final. As previously noted, a significant proportion of the applications to the Committee of Adjustment are non-controversial and have no negative effect on adjacent property owners. Furthermore, many applicants pre-consult with City staff to determine if the matter should be dealt with as a minor variance or through the rezoning process.

Of the four options, it would be appropriate to maintain the existing structure of the Committee of Adjustment. When the current appointments to the Committee of Adjustment expire in 1997, Council can then decide as to whether or not changes are required to the composition of the Committee of Adjustment.

5. Public Meeting for Plans of Subdivisions

It is proposed that the statutory requirement for a public meeting for plans of subdivision will be removed. However, the Planning Act will not preclude municipalities from exercising the option of holding a public meeting if the municipality so desires. For those applications received between March 28, 1995 and the Proclamation of Bill 20, a public meeting will still be required. However, it is the usual practise for the City of Hamilton to consider a proposed plan of subdivision simultaneously with the rezoning, and if necessary, official plan amendment (OPA) application such that all aspects of the proposed development can be considered concurrently. As such, there will still be an opportunity for public input. Furthermore, it is Council policy to require the posting of a sign on a property that is subject to a subdivision application to serve as an additional mechanism to advise residents when a development proposal is being considered by the City.

6. Accessory Apartments (Bill 120)

The Province is proposing to repeal those portions of Bill 120 dealing with accessory units. Specifically, accessory apartments will no longer be permitted on a provincial basis in any urban residential zone which permits single detached, semi-detached or rowhouse units. Rather, it will be left to each municipality to determine the requirements where conversions will be permitted.

In addition, the Province is proposing to amend the Municipal Act to enable municipalities to establish a system for registration for both new and existing accessory apartments.

Existing accessory apartments will be "grandfathered" and will continue as permitted uses provided that the accessory apartment was permitted under Bill 120. In order to be "grandfathered", the units must have met municipal zoning by-laws, as modified by Bill 120 (eg provision of required parking).

Prior to the enactment of Bill 120, the City of Hamilton had adopted the Residential Intensification study and a series of implementing zoning by-law amendments. These changes were developed by Planning Department and Building Department staff to reflect local circumstances in providing for residential intensification opportunities. With the repeal of Bill 120, the conversion of dwellings to create accessory apartments will be subject to the existing requirements of the City of Hamilton Zoning By-law.

7. Zoning By-laws

The Province, under the provisions of Bill 163, had previously amended the Planning Act to utilize zoning by-laws to regulate the use of land associated with contaminated or sensitive areas, natural features and areas, or the site of significant archaeological resources. Specifically, municipalities would have been able to pass zoning by-laws to zone land as "No Development" Zones to regulate the use of land associated with the following features:

- ground-water recharge areas;
- head-water areas;
- significant wildlife habitat;
- wetlands, woodland, ravine, valley or area of natural and scientific interest;
- significant corridor or shoreline of a lake, river or stream;
- significant natural corridor, feature or area;
- site of a significant archaeological resource; or,
- contaminated sites.

With the exception of significant archaeological resources, the Province is proposing to repeal those aforementioned zoning powers regarding contaminated lands and natural areas and features.

In keeping with the intent to streamline and standardize development review time frames, Bill 20 will amend the Planning Act such that the OMB may refuse to consider an appeal if the appellant did not make oral or written submissions at or prior to the required public meeting. This provision was introduced for OPAs and Plans of Subdivision in Bill 163. At the required public meeting, the City must ensure that information is made available regarding the power of the OMB to dismiss an appeal if the appellant did not make a submission prior to Council decision.

8. Provincial Appeals

As part of the revisions to the Planning Act, where a Provincial Ministry has objections to a proposed development, then that Ministry will have to request the Minister of Municipal Affairs and Housing to appeal the matter to the Ontario Municipal Board. Direct appeals by a Provincial Ministry to the OMB will not be permitted. For example, the Ministry of Environment and Energy or the Ministry of Natural Resources could not appeal a matter to the Ontario Municipal Board. Rather, the ministries would have to request that the Minister of Municipal Affairs and Housing review the matter and make a decision as to whether or not it should be referred to the OMB.

9. Public Meetings - Consent Applications

As per subdivision applications, the Province is proposing to revise the Planning Act to remove the requirement for a public meeting for consent (severance) applications. Rather, municipalities will only be required to give notice of an application for consent if the requirement is prescribed by Ontario Regulation.

SYNOPSIS OF PROPOSED CHANGES TO PROVINCIAL POLICIES:

In addition to revising the Planning Act, the Province is also proposing to replace the "Comprehensive Set of Policy Statements" (CSPS) document with an abbreviated set of policies issued under the title "Provincial Policy Statement" (PPS). Succinctly, the PPS differs from the CSPS in that whereas the CSPS focused on environmental protection by promoting densification, the PPS, in keeping with the intent of Bill 20, is oriented towards facilitating development activity.

The PPS document is organized into four parts (purpose; principles; policies; and, implementation). The principles section of the PPS states:

"Ontario's long term economic and environmental health depends on:

1. Promoting efficient development and land use which stimulate economic growth while protecting the environment and public health.
2. Protecting resources for their economic and environmental benefits.
3. Reducing the potential for long term public cost or risk to Ontario's residences by directing development away from areas where there is a risk to public health or safety or of property damage."

Many of the policies that were in the CSPA have been deleted and other policies have been amended. The major changes proposed are:

- the requirement that municipalities provide opportunities for 30% affordable housing in residential areas has been deleted;
- whereas the overall philosophy behind the CSPA was to direct growth to existing urban areas such as the City of Hamilton, the PPS will allow for continued urban sprawl which may result in the diversion of investment from central cities to other portions of the Province;
- the prohibition on development on lands classified as "specialty crop lands" (ie tender fruit lands) has been removed which will facilitate the expansion of urban areas along the Niagara Peninsula;
- the previous Provincial Policy Statement "Wetlands", which was incorporated into the CSPA, which prohibited development within a buffer zone around the wetland, has been replaced by a general prohibition on development in "significant portions of the habitat of endangered and threatened species, and in significant wetlands south and east of the Canadian Shield"; and,
- the requirement that planning decisions promote pedestrian access and the vibrancy of downtowns has been removed.

The PPS is approximately half the length of the CSPA. Furthermore, combined with the change to Section 3 of the Planning Act, municipalities will have significantly greater autonomy in local planning decisions.

SYNOPSIS OF PROPOSED CHANGES TO THE DEVELOPMENT CHARGES ACT:

The Province is in the process of reviewing the Development Charges Act. However, as an interim measure, Bill 20 contains a series of amendments to the Development Charges Act. The proposed changes are to:

- permit municipalities to extend the term of existing development charges by-laws indefinitely;
- prohibit municipalities from enacting new development charge by-laws or amending existing by-laws which have the effect of increasing the total development charge except with approval of the Minister;
- existing municipal development charge by-laws may be extended and/or reduced notwithstanding the maximum five year term specified in the Development Charges Act; and,

- enhance municipal accountability in accounting and reporting of development charge revenues and expenditures.

The proposed changes will restrict the imposition of new development charge by-laws unless said by-laws are approved by the Minister. The Province is reviewing the Development Charges Act with the intent of limiting development charges to "hard services". The Province has advised that the purpose of the review is to:

- "• review the scope of items for which municipalities are currently authorized to collect development charges;
- assess concerns that the construction of affordable housing is adversely affected by development charges;
- seek a more equitable basis for sharing costs between new and existing taxpayers;
- address technical and administrative issues related to the existing Act."

The Province has advised that the review is being undertaken "with a view to returning charges to their initial purpose of financing hard services". The Province has indicated that they are in the process of preparing a new Development Charges Act for introduction in Fall, 1996. When the new Development Charges Act comes into effect, the Province has advised that the Act will contain a "sunset" clause for existing municipal development charges.

PLANNING COMMENTS:

The package of planning reforms released by the Minister of Municipal Affairs and Housing revises many elements of the previous reforms contained in Bill 163. Rather than repealing Bill 163, the Province has proposed a series of amendments to the Planning Act intended to further streamline the approvals process and promote economic growth while still providing for environmental protection. As a result of demographic changes and the on-going lack of consumer confidence, it is unlikely that these changes alone will be enough to stimulate real estate development activity. However, it is noted that many of the proposed changes to the Planning Act will restore local autonomy in decision making.

SR/sr

Bill20.2nd

EXPLANATORY NOTE

PART I PLANNING ACT

Numerous changes are made to the planning process. The major changes are as follows:

1. The definition of "public body" has been limited in scope for the purpose of filing appeals and may be further limited by regulation. (Section 1 of the Bill)
2. The power to prescribe "other matters" to be of provincial interest for the purpose of section 2 has been removed. (Section 2 of the Bill)
3. The criteria for exercising any authority that affects planning matters has been changed to "have regard" to policy statements from the previous "be consistent with" standard. (Section 3 of the Bill)
4. The power of the Minister to exempt a plan or proposed official plan amendment from an approval by an approval authority cannot be delegated to council or further delegated by council. (Sections 4 and 5 of the Bill)
5. The Minister is given the power to delegate his or her powers to a planning board without its request if the board has an official plan. (Section 4 of the Bill)
6. Subsections 16 (2), (3) and (4) of the Act (which disallow any provision in an official plan that would prohibit the erection or use of two-unit residential houses) have been repealed. (Section 8 of the Bill). Other provisions in the Act dealing with two-unit residential houses have also been repealed (8 (2), 19 (1), 21, 29 (5) of the Bill.) The repealed provisions continue to apply to houses that contained two residential units on November 16, 1995. (Section 45 of the Bill)
7. The power to prescribe the contents of official plans, in addition to those set out in section 16 of the Act, has been removed. (Section 8 of the Bill)
8. Section 17 of the Act is repealed and replaced. Counties that are covered by an official plan that comes into effect on or after the amendments to the *Planning Act* come into force, will become the approval authority with respect to the plans of local municipalities and amendments to their official plans.

The Minister is authorized to exempt plans and official plan amendments from his or her approval. The Minister can authorize other approval authorities to exempt plans and amendments covering land within their jurisdiction from their approval.

A plan that is adopted by council and that is exempted from approval may be appealed to the Municipal Board for a final decision.

A plan that is not exempt from approval can be appealed to the Municipal Board after 90 days from the day it is received by the approval authority. (Section 9 of the Bill)

NOTES EXPLICATIVES

PARTIE I LOI SUR L'AMÉNAGEMENT DU TERRITOIRE

De nombreuses modifications sont apportées au processus d'aménagement. Les plus importantes sont les suivantes :

1. La portée de la définition de «organisme public» est réduite aux fins de l'interjection d'appels et peut être réduite davantage par règlement. (Article 1 du projet de loi)
2. Le pouvoir de prescrire «d'autres questions» comme étant d'intérêt provincial pour l'application de l'article 2 est supprimé. (Article 2 du projet de loi)
3. Le critère relatif à l'exercice de pouvoirs qui touchent des questions relatives à l'aménagement devient «tenir compte» des déclarations de principes en remplacement de la norme précédente de «conformité» à celles-ci. (Article 3 du projet de loi)
4. Le pouvoir qu'a le ministre de soustraire un plan ou une modification proposée à un plan officiel à l'exigence voulant qu'il soit approuvé par une autorité approbatrice ne peut être délégué à un conseil ou subdélégué par celui-ci. (Articles 4 et 5 du projet de loi)
5. Le ministre est investi du pouvoir de déléguer ses pouvoirs à un conseil d'aménagement en l'absence de demande de ce dernier si le conseil est doté d'un plan officiel. (Article 4 du projet de loi)
6. Les paragraphes 16 (2), (3) et (4) de la Loi (qui ne permettent aucune disposition d'un plan officiel qui interdirait l'édification ou l'utilisation de maisons d'habitation à double logement) sont abrogés. (Article 8 du projet de loi). D'autres dispositions de la Loi qui traitent des maisons d'habitation à double logement sont également abrogées. (Paragraphes 8 (2) et 19 (1), article 21 et paragraphe 29 (5) du projet de loi). Les dispositions abrogées continuent de s'appliquer aux maisons qui contenaient deux unités d'habitation le 16 novembre 1995. (Article 45 du projet de loi)
7. Le pouvoir de prescrire le contenu des plans officiels, outre les éléments énoncés à l'article 16 de la Loi, est supprimé. (Article 8 du projet de loi)
8. L'article 17 de la Loi est abrogé et remplacé. Les comtés visés par un plan officiel qui entre en vigueur à la date d'entrée en vigueur des modifications apportées à la *Loi sur l'aménagement du territoire* ou par la suite, deviennent l'autorité approbatrice à l'égard des plans des municipalités locales et des modifications de leurs plans officiels.

Le ministre est autorisé à soustraire des plans et des modifications des plans officiels à l'exigence voulant qu'ils soient approuvés par lui. Le ministre peut autoriser d'autres autorités approbatrices à soustraire des plans et des modifications visant les terrains qui relèvent de leur compétence à l'exigence voulant qu'ils soient approuvés par elles.

Le plan qui est adopté par un conseil et qui est soustrait à l'exigence voulant qu'il soit approuvé peut faire l'objet d'un appel devant la Commission des affaires municipales aux fins d'une décision définitive.

Le plan qui n'est pas soustrait à l'exigence voulant qu'il soit approuvé peut faire l'objet d'un appel devant la Commission des affaires municipales après que 90 jours se sont écoulés depuis le jour de la réception du plan par l'autorité approbatrice. (Article 9 du projet de loi)

9. The time frames for appeal rights to be established at different steps in the processing of requests for amendments to official plans have been reduced. There is a right to appeal to the Municipal Board if the council or planning board does not make a decision on a request for an amendment within 90 days after the day the request is received. (Section 13 of the Bill)

10. The authority of a council to prohibit all uses of land or the construction of all classes of buildings is removed. (Section 20 of the Bill)

11. A municipality may pass a by-law to require that applicants for amendments to zoning by-laws submit all the information or material that is prescribed.

If the prescribed material or information is not provided, the council may refuse to accept or further consider an application and the time period before a right of appeal to the Municipal Board will arise does not begin. (Section 20 of the Bill)

The Municipal Board is given the power to dismiss an appeal if the appellant has not provided the council with oral or written submissions before the by-law is passed. (Section 20 of the Bill)

12. Local municipalities may require the conveyance of land for a public transit right of way as a condition of the approval of a site plan if this is provided for in the official plan. (Section 24 of the Bill)

13. The provisions dealing with minor variance applications and other applications under section 45 of the Act have been changed. Council may act as the committee of adjustment or delegate to the committee. Decisions of council (or committee of council) are final.

There is no longer an automatic right to appeal a decision of the committee of adjustment. The council has the option of reviewing the decision and confirming, varying or rescinding the committee's decision or sending the matter to the Ontario Municipal Board for it to be heard as an appeal. The Board can recover the costs of conducting the hearing from the municipality. (Section 26 of the Bill)

14. The Township of Pelee in the County of Essex is assigned the authority to give consents. Consequently, it is also given the authority to approve the exercise of power of sale and foreclosure and the authority to issue certificates for the validation of title. (Section 28 of the Bill)

15. Municipalities that have the authority to approve plans of subdivision are also given the authority to approve by-laws exempting lands from part lot control. An approval is not required if the council that passes the by-law also has the authority to approve plans of subdivision covering the same land. (Section 28 of the Bill)

16. Several counties are assigned the authority to approve plans of subdivision that cover lands within their jurisdiction.

Other counties will be given the authority to approve plans of subdivision once all or part of a plan that covers all of the county comes into effect as the official plan. This date cannot be sooner than the day that this amendment to the *Planning Act* comes into force. (Section 29 of the Bill)

9. Les délais prévus qui doivent s'écouler avant que ne soient conférés des droits d'appel à diverses étapes du traitement de demandes de modification des plans officiels ont été réduits. Il peut être interjeté appel devant la Commission des affaires municipales si le conseil ou le conseil d'aménagement ne prend pas de décision à l'égard d'une demande de modification dans les 90 jours qui suivent le jour de réception de la demande. (Article 13 du projet de loi)

10. Le pouvoir d'un conseil d'interdire toutes les utilisations du sol ou la construction de toutes les catégories de bâtiments est supprimé. (Article 20 du projet de loi)

11. Une municipalité peut adopter un règlement municipal exigeant que les auteurs de demandes de modifications des règlements municipaux de zonage présentent les renseignements et les documents prescrits.

Si les documents ou les renseignements prescrits ne sont pas fournis, le conseil peut refuser une demande ou refuser d'en poursuivre l'examen et le délai prévu qui doit s'écouler avant que ne soit conféré le droit d'interjeter appel devant la Commission des affaires municipales ne commence pas à courir. (Article 20 du projet de loi)

La Commission des affaires municipales est investie du pouvoir de rejeter un appel si l'appellant n'a pas fourni d'observations orales ou écrites au conseil avant l'adoption du règlement municipal. (Article 20 du projet de loi)

12. Les municipalités locales peuvent exiger la cession d'un terrain au titre de l'emprise des transports en commun comme condition à l'approbation d'un plan d'implantation si ceci est prévu dans le plan officiel. (Article 24 du projet de loi)

13. Les dispositions traitant des demandes de dérogation mineure et d'autres demandes visées à l'article 45 de la Loi ont été modifiées. Le conseil peut agir à titre de comité de dérogation ou peut accorder délégation à ce comité. Les décisions du conseil (ou du comité du conseil) sont définitives.

Le droit d'appel automatique d'une décision du comité de dérogation n'existe plus. Le conseil peut soit réviser la décision du comité et la confirmer, la modifier ou l'annuler, soit transmettre l'affaire à la Commission des affaires municipales de l'Ontario pour qu'elle l'entende comme un appel. La Commission peut recouvrer de la municipalité les frais relatifs à la tenue de l'audience. (Article 26 du projet de loi)

14. Le canton de Pelee dans le comté d'Essex est doté du pouvoir d'accorder des autorisations. En conséquence, il est également doté du pouvoir d'approuver l'exercice du pouvoir de vente et la forclusion et de délivrer des certificats de validation de titre. (Article 28 du projet de loi)

15. Les municipalités qui ont le pouvoir d'approuver des plans de lotissement sont dotés du pouvoir d'approuver des règlements municipaux soustrayant des terrains à la réglementation de parties de lots. L'approbation n'est pas nécessaire si le conseil qui adopte le règlement municipal a également le pouvoir d'approuver les plans de lotissement qui visent le même terrain. (Article 28 du projet de loi)

16. Plusieurs comtés sont dotés du pouvoir d'approuver des plans de lotissement qui visent des terrains relevant de leur compétence.

D'autres comtés auront le pouvoir d'approuver des plans de lotissement une fois que la totalité ou une partie d'un plan qui vise la totalité du comté entre en vigueur à titre de plan officiel. Cette date ne peut être antérieure au jour de l'entrée en vigueur de cette modification à la *Loi sur l'aménagement du territoire*. (Article 29 du projet de loi)

17. The authority to require that a public meeting in respect of a proposed plan of subdivision be held is removed. Notice of an application will only be required to be given if this is prescribed. (Section 29 of the Bill)

18. If no decision is made by the approval authority any person or public body may file an appeal in respect of a proposed plan of subdivision 90 days after the application is submitted. (Section 29 of the Bill)

19. The authority to require that a public meeting be held in respect of a consent to sever land is removed. Notice of an application for a consent will only be required to be given if this is prescribed. (Section 30 of the Bill)

If no decision is made, any person or public body may file an appeal in respect of a request for a consent 60 days after the application is submitted. (Section 30 of the Bill)

20. Any matter or proceeding that was commenced on or after March 28, 1995 but before the amendments set out in this Bill come into force shall be completed according to the same process under which it was commenced.

However, if no decision has been made in respect of the matter or proceeding, then the "have regard to" standard in subsection 3 (5) regarding policy statements will apply to the exercise of any authority instead of the requirement that a decision be "consistent with" the policy statements. A decision includes the adoption of a plan by council or the passing of a by-law. (Section 44 of the Bill)

PART II OTHER AMENDMENTS

ASSESSMENT ACT

Section 53 of the *Assessment Act*, which deals with the disclosure of information, is repealed. The new section 53 prohibits the employees of the Ministry of Finance, a municipality and a school board from disclosing any actual income and expense information on individual properties that is acquired in the course of their duties. Previously the prohibition was against disclosing information furnished by any person under section 10 or 11 of the Act (obtained under a power of entry or by virtue of a required questionnaire).

DEVELOPMENT CHARGES ACT

The Act is amended to provide that a development charge by-law or amendment thereto, except an amendment which reduces the amount of a charge or eliminates a term of a by-law, does not come into force until it is approved by the Minister of Municipal Affairs and Housing. The Minister has absolute discretion to approve a by-law or amendment in whole or in part. (Sections 48, 49 and 52 of the Bill)

The right to appeal a by-law to the Ontario Municipal Board and the maximum term of a by-law have been eliminated. (Sections 49 and 51 of the Bill)

These provisions are made retroactive to November 16, 1995. (Section 74 of the Bill)

MUNICIPAL ACT

The new section 207.3 of the *Municipal Act* authorizes municipalities to pass by-laws providing for the registration of houses which contain two residential units. The by-law may prohibit the use or occupancy of more than one residential unit in a two-unit house unless the house is registered. As a condition of registration, the by-law may require that

17. Le pouvoir d'exiger la tenue d'une réunion publique à l'égard d'un plan de lotissement proposé est supprimé. L'avis d'une demande ne doit être donné que s'il est prescrit de le faire. (Article 29 du projet de loi)

18. Si aucune décision n'est prise par l'autorité approbatrice, une personne ou un organisme public peut déposer un appel à l'égard d'un plan de lotissement proposé 90 jours après que la demande est présentée. (Article 29 du projet de loi)

19. Le pouvoir d'exiger la tenue d'une réunion publique à l'égard d'une autorisation de séparer un terrain est supprimé. L'avis d'une demande d'autorisation ne doit être donné que s'il est prescrit de le faire. (Article 30 du projet de loi)

Si aucune décision n'est prise, une personne ou un organisme public peut déposer un appel à l'égard d'une demande d'autorisation 60 jours après que la demande est présentée. (Article 30 du projet de loi)

20. Les affaires ou procédures introduites le 28 mars 1995 ou par la suite, mais avant l'entrée en vigueur des modifications énoncées dans le projet de loi, doivent être réglées conformément au même processus que celui selon lequel elles ont été introduites.

Cependant, si aucune décision n'a été rendue à l'égard de l'affaire ou de la procédure, la norme prévue au paragraphe 3 (5) qui exige de «tenir compte» des déclarations de principes s'applique à l'exercice des pouvoirs, et non la norme exigeant qu'une décision soit «conforme» aux déclarations de principes. Une décision comprend l'adoption d'un plan par un conseil ou l'adoption d'un règlement municipal. (Article 44 du projet de loi)

PARTIE II AUTRES MODIFICATIONS

LOI SUR L'ÉVALUATION FONCIÈRE

L'article 53 de la *Loi sur l'évaluation foncière*, qui traite de la divulgation de renseignements, est abrogé. Le nouvel article 53 interdit aux employés du ministère des Finances, des municipalités et des conseils scolaires de divulguer les renseignements qu'ils obtiennent dans l'exercice de leurs fonctions sur les dépenses et le revenu réels de biens immeubles individuels. Auparavant, il était interdit de divulguer des renseignements fournis par quiconque aux termes de l'article 10 ou 11 de la Loi (obtenus grâce à un pouvoir d'entrée ou au moyen d'un questionnaire exigé).

LOI SUR LES REDEVANCES D'EXPLOITATION

La Loi est modifiée de façon à prévoir qu'un règlement municipal prévoyant l'imposition de redevances d'exploitation ou qu'une modification à un tel règlement, à l'exception d'une modification qui réduit le montant d'une redevance ou élimine la durée d'application d'un règlement municipal, n'entre pas en vigueur tant que le ministre des Affaires municipales et du Logement ne l'a pas approuvé. Le ministre a entière discrétion pour approuver la totalité ou une partie d'un règlement municipal ou d'une modification. (Articles 48, 49 et 52 du projet de loi)

Le droit d'interjeter appel d'un règlement municipal devant la Commission des affaires municipales de l'Ontario et la durée d'application maximale d'un règlement municipal sont supprimées. (Articles 49 et 51 du projet de loi)

Ces dispositions sont rétroactives au 16 novembre 1995. (Article 74 du projet de loi)

LOI SUR LES MUNICIPALITÉS

Le nouvel article 207.3 de la *Loi sur les municipalités* autorise les municipalités à adopter des règlements municipaux prévoyant l'enregistrement de maisons qui contiennent deux unités d'habitation. Le règlement municipal peut interdire l'utilisation ou l'occupation de plus d'une unité d'habitation dans une maison à

two-unit houses meet specified standards. Inspectors are authorized to enter two-unit houses, before registration, to ensure they meet these standards.

ONTARIO HERITAGE ACT

The amendments to the *Ontario Heritage Act* are as follows:

1. The Conservation Review Board is authorized to conduct a pre-hearing conference, by electronic means, whenever a hearing is required.
2. In every case where a person may apply or object so that a hearing must be held by the Conservation Review Board, that person is permitted to withdraw the application or objection at any time before the conclusion of the hearing.
3. Section 67 of the Act is amended so that notices are no longer required to be published for three consecutive weeks.
4. The Minister is no longer required to consult the Ontario Heritage Foundation before granting, renewing, suspending or revoking a licence to carry out archaeological work under section 48 of the Act.

CONSEQUENTIAL AMENDMENTS

Consequential amendments are made to the *Environmental Protection Act*, the *Residential Housing Protection Act* and the *Regional Municipalities Act* to reflect the changes made to the *Planning Act*.

double logement à moins que la maison ne soit enregistrée. Comme condition d'enregistrement, le règlement municipal peut exiger que les maisons à double logement respectent des normes précises. Des inspecteurs sont autorisés à pénétrer dans des maisons à double logement, avant l'enregistrement, pour s'assurer qu'elles respectent ces normes.

LOI SUR LE PATRIMOINE DE L'ONTARIO

Les modifications apportées à la *Loi sur le patrimoine de l'Ontario* sont les suivantes :

1. La Commission des biens culturels est autorisée à tenir une conférence préparatoire à l'audience, par des moyens électroniques, chaque fois qu'une audience est exigée.
2. Dans tous les cas où une personne peut présenter une demande ou une opposition de sorte que la Commission des biens culturels doive tenir une audience, la personne est autorisée à retirer sa demande ou son opposition à n'importe quel moment avant la fin de l'audience.
3. L'article 67 de la Loi est modifié de sorte qu'il n'est plus nécessaire de faire publier les avis pendant trois semaines consécutives.
4. Le ministre n'est plus tenu de consulter la Fondation du patrimoine ontarien avant d'accorder, de renouveler, de suspendre ou de révoquer une licence pour entreprendre des travaux archéologiques aux termes de l'article 48 de la Loi.

MODIFICATIONS CORRÉLATIVES

Des modifications corrélatives sont apportées à la *Loi sur la protection de l'environnement*, à la *Loi sur la protection des logements locatifs* et à la *Loi sur les municipalités régionales* afin de refléter les modifications apportées à la *Loi sur l'aménagement du territoire*.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday, 1996 February 7
9:30 o'clock a.m.
Room 233, City Hall**

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 January 24

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

- (a) Eighth Annual Business Development Seminar
- (b) Ottawa Street Business Improvement Area
- Request under the Commercial Improvement Program
- (c) Eighth Annual Public Service Announcement

C. BUILDING COMMISSIONER

129 Broadway Avenue - demolition permit

D. DIRECTOR OF PLANNING AND DEVELOPMENT

- (a) Proposed Draft Plan of Condominium by Bartonellis Holdings Limited, 350714 Ontario Limited, Rosa Lardi - 30 Summit Avenue, Eastmount Neighbourhood (CDM-CONV-95-009);
- (b) Proposed Draft Plan of Condominium by Roy Megna (In Trust) - 2373 King Street East, Glenview East Neighbourhood (CDM-CONV-95-003)

Planning and Development Committee
Agenda - 1996 February 7

E. SECRETARY, LOCAL ARCHITECTUREL CONSERVATION ADVISORY COMMITTEE

Intention to Designate the Burlington Canal Lighthouse and Keepers Dwelling

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1996 January 24
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman G. Capps
Alderman McCulloch
Alderman M. Caplan
Alderman F. Eisenberger
Alderman B. Charters
Alderman H. Merling

Regrets: Mayor Robert M. Morrow - Civic business

Also present: Alderman M. Kiss
Victor Abraham, Director of Planning and Development
Joanne Hickey-Evans, Planning and Development
Bill Janssen, Planning Department
Paul Mallard, Planning Department
Steve Robichaud, Planning Department
Willie Wong, Building Department
Art Zuidema, Law Department
Dave Powers, Law Department
Eugene Chajka, Roads Department
Tina Agnello, Secretary

1. PUBLIC MEETINGS

(A) Zoning Application 95-28, by A. Hemstreet, owner, for further modification to the established "C" District regulations for lands located at no. 1492 Upper James Street

Paul Mallard explained that the by-law is an extension of a temporary lease by-law.

As recommended by the Director of Planning and Development in the report dated 1996 January 8, the Committee recommended to Council as follows:

- (a) That approval be given to Zoning Application 95-28, A. Hemstreet, owner, for a further modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the temporary use of lands and the existing building for the sale of new and used automobiles for a further three year period, for property located at No. 1492 Upper James Street, as shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, as amended by By-laws Nos. 86-201, 90-227 and 92-160 applicable to the subject lands, be further modified in accordance with Section 39 of the Planning Act, R.S.O. 1990, to permit the temporary use of the lands and the existing building(s) only, for the sale of new and used automobiles for a further maximum period of three years;

- (ii) That notwithstanding Section 9.(1) of By-law No. 6593, one pylon sign will be permitted on the lot in accordance with the requirements of Section 14A(3)(a) of By-law No. 6593;
 - (iii) That notwithstanding Section 18.(3)(ivc)(b) of Zoning By-law No. 6593, a minimum 3.0 m wide landscaped planting strip shall be provided and maintained only along the northerly lot line; and,
 - (iv) That notwithstanding Section 18(3)(ivc)(c) of Zoning By-law No. 6593, no visual barrier shall be required;
 - (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-939c, and that the subject lands on Zoning District Map W-9D be notated S-939c;
 - (vi) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
 - (vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That Section 8. of the Second Report of the Planning and Development Committee for 1993, respecting changes in zoning from "AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) District modified, to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified, to permit commercial uses including a multiple bay, coin operated car wash, for lands located at Nos. 1492 and 1500 Upper James Street, as shown on the attached map marked as Appendix "B", be repealed in its entirety.
- (B) **Zoning Application 95-30, by Harley Knight, owner, for a change in zoning from "AA" District to "C" District, modified, for lands located at the rear of 371 Rymal Road East**

The applicants were present and supported their application.

As recommended by the Director of Planning and Development in the report dated 1996 January 16, the Committee recommended to Council as follows:

- (a) That approval be given to Amended Zoning Application 95-30, Harley Knight, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, for Block "1", and a modification to the established "AA" (Agricultural) District regulations, for Block "2", to permit development of Block "1" for two single-family dwellings fronting onto Bordeaux Court and to retain the existing dwelling on Block "2", for lands located at No. 371 Rymal Road East, as shown on the attached map marked as Appendix "C" on the following basis:
 - (i) That Block "1" be rezoned from "AA"(Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

- (ii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
 - (1) That notwithstanding Section 9.(4) every lot shall have a width of at least 11.6 m and an area of at least 360 m²;
- (iii) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to Block "2," be modified to include the following variance as a special requirement:
 - (1) That notwithstanding Section 7A (4) every lot shall have an area of at least 1,200 m².
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1352, and that the subject lands on Zoning District Map E-18D be notated S-1352;
- (c) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D for presentation to City Council; and,
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

2. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING AND DEVELOPMENT/BUILDING COMMISSIONER**

Bill 20 - Proposed Revisions to the Planning Act

The Committee was in receipt of a report 1996 January 17.

Steve Robichaud advised that the intent of Bill 20 is to streamline the Planning Act. He noted the major changes as follows:

(a) **Time Frames**

That the Province will standardize time frames for application to 90 days, whereas, presently Official Plan Amendments and Plans of Sub-divisions allow 180 days to process.

(b) **Official Plan Amendments Approvals**

He advised that some types official plans will not go to the Region for approval but will be approved by the City of Hamilton only.

(c) **Plans with Provincial Policy**

At present municipalities must be consistent with Provincial Policy. The recommendation allows that municipalities must have regard for Provincial Policy; which is not as strong.

(d) Committee of Adjustment and Land Division Committee

It was recommended that if there is a Member of Council on the Committee of Adjustment then the decision is final and does not go to Council for an appeal. If not, the decision is appealable to Council who may make a decision or refer it to the O.M.B., but the O.M.B. has the authority to bill the local municipality for the costs of the hearing.

(e) Public Meetings for Plans of Subdivisions

Proposes that Public Meetings for plans of Sub-divisions be removed.

(f) Accessory Uses to Apartments

Deals with accessory to apartments and leaves it to each municipality to determine the requirements where conversions will be permitted.

(g) Environmental Protection

Allows municipalities to pass by-laws to zone land as no develop zones associated with various features.

(h) Provincial Appeals

States that only the Ministry of Municipal Affairs will be permitted to appeal a zoning by-law and should other Ministries have any concerns, they must deal with the appeal through the Ministry of Municipal Affairs.

(i) Public Meetings - Consent Applications

The province is proposing to remove the requirement for Public Meetings for severance applications. Municipalities will only be required to give notice of an application if it is prescribed by Ontario regulations.

Following this report the Committee moved to receive the report with instructions that there will be discussions at the next Planning and Development Committee meeting.

1. PUBLIC MEETINGS (cont'd)

(C) Revised Concept Plan - Lapp Property, 100 Beddoe Drive, Chedoke Neighbourhood

Alderman Caplan stated that there is no application before the Committee and there should be. Alderman McCulloch stated that this matter has gone to the Board and that the decision should be final. Alderman Charters concurred with Alderman Caplan and stated that the request does not fit in with what the Board approved and as such it would be better to have an application brought forward before the Committee.

In response to a question from Alderman Eisenberger, Victor Abraham stated that the Planning Department's recommendation was contrary to Councils decision, previous to this report staff was in support of the application subject to conditions.

Art Zuidema advised that if the City determines the request is a major change the Chairman can decide it is within his power to deal with the application. The City of developer may or may not challenge the Board. The Board may otherwise determine that the matter be referred to the courts. Mr. Zuidema stated that there are various options.

Alderman Kiss stated that she considers the change to be major and therefore a new application should be required. Alderman Copps concurred.

Following a discussion the Committee moved into Closed Session to discuss litigation and property matters and reconvened immediately thereafter with the following report which is to be recommended to Council for approval.

That the proposed revisions regarding the Revised Concept Plan- Lapp Property, 100 Beddoe Drive, Chedoke Neighbourhood are major enough that a new zoning application will be required and that the Ontario Municipal Board be advised accordingly.

3. CITY SOLICITOR

Second Real Properties Limited, Lessee, Lloyd D. Jackson Square - Application by Lessee for Approval of Grant Leasehold Mortgage

As recommended in the report dated 1996 January 16, the Committee recommended to Council as follows:

That in accordance with the provisions of the City's Ground Lease to the Lessee, Second Real Properties Limited, (formerly Second Phase Civic Square Limited), the City, as Lessor, grant its approval to a second mortgage of the Ground Lease being made by our Lessee, as borrower, in favour of Royal Trust Corporation of Canada, Mortgagee, in the amount of five million dollars, at an interest rate not exceeding 9%, for a term of five years, subject to the following conditions:

- (a) That the Leasehold Mortgage is subject to the rights of the City as Lessor under the Ground Lease dated 1975 November 19, entered into between the City as Lessor and Second Real Properties Limited as Lessee; and
- (b) That the five million dollar Mortgage shall be a second mortgage in favour of Royal Trust Corporation of Canada, Trustee for The Standard Life Assurance Company; and
- (c) That Royal Trust Corporation of Canada and Second Real Properties Limited, (together with its two assignees, Masbro Development Limited and Second Phase Enterprises Inc.,) enter and deliver to the City;
 - (i) the City's Lloyd D. Jackson Square Consent to Mortgage Agreement, in which the Mortgagee agrees to be bound by the Ground Lease if it were to take over the Lease;
 - (ii) an Undertaking to the City to abide by the obligations of Second Real Properties Limited under the Hotel Interface Agreement dated 1984 July 30; and

- (d) That the Mayor and City Clerk be authorized to execute the City's Consent Agreement in a form satisfactory to the City Solicitor. The Agreement shall be registered on title to the premises leased from the City by the Lessee.

4. **BUILDING COMMISSIONER**

266-280 King Street East - Demolition

Alderman McCulloch stated that the recommendation should be amended to change the word "less" in Sub-section (a) to "more". The Committee moved that the recommendation be amended also by adding Sub-section (c) with regards to a Building Permit being obtained prior to allowing a demolition permit.

Subsequent to discussion, the Committee forwarded to Council the recommendation of the Building Commissioner dated 1996 January 19 as amended as follows:

That the Building Commissioner be authorized to issue a demolition permit, as per Section 33 Chapter 1(7) of The Planning Act for the building located at 266 - 280 King Street East in accordance with By-Law 74-290 subject to the following conditions:

- (a) That the new building to be substantially completed on the site not more than two years from the day demolition of the existing residential property is commenced; and,
- (b) That failure to complete the new building within the time specified, the City shall collect the maximum sum of \$20,000. for each of the 17 dwelling units in a like manner as municipal taxes. The condition for redevelopment shall be registered on title in accordance with the provisions of the Planning Act.
- (c) That the demolition permit be issued only upon issuance of a building permit.

5. **GREATER HAMILTON DOWNTOWN COMMUNITY DEVELOPMENT CORPORATION'S FOUNDING BOARD**

Residential Conversion of Non-Residential Buildings in the Central Business District

As recommended in the report dated 1996 January 17, the Committee approved the following:

That the Planning Department staff be directed to schedule a Public Meeting in accordance with the requirements of the Planning Act to consider a City initiative to amend Zoning By-law No. 6593 to allow for the conversion of non-residential buildings above the ground floor within the central business district to residential uses without required parking.

6. CONSENT AGENDA**A. Adoption of the Minutes**

- (i) Minutes of the Planning and Development Committee for its special meeting held 1995 December 12

The minutes of the special meeting held 1995 December 12 were approved as circulated.

- (ii) Minutes of the Planning and Development Committee for its meeting 1995 December 6

Minutes of the meeting held 1995 December 6 were approved as circulated.

As recommended in various reports in the Consent Agenda the Committee recommended to Council as follows:

B. BUILDING COMMISSIONER

- i) 387 Barton Street East - Commercial Loan Program dated 1995 December 7

(a) That a Commercial Loan in the amount of eight thousand, three hundred and seventy dollars (\$8,370.) to Antonio, Luisa, Rosie, Sandra and Livia D'Addario, as joint tenants, for improvements to 387 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 per cent, amortized over 10 years; and,

(b) That a grant from the Barton Street Revitalization Fund in the amount of four thousand, one hundred and eighty-five dollars (\$4,185.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program; and,

- ii) 353 Barton Street East - Commercial Property Improvement Loan Program dated 1995 December 20

(a) That a Commercial Property Improvement Loan in the amount of twelve thousand, one hundred and five dollars (\$12,105.) to George Nikolica and Nedelyka Nikolica for improvements to 353 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 per cent, amortized over 10 years; and,

(b) That a grant from the Barton Street Revitalization Fund in the amount of six thousand and fifty-two dollars (\$6,052.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

iii) 397 Barton Street East - Commercial Property Improvement Loan Program dated 1995 December 20

- (a) That a Commercial Property Improvement Loan increase of three thousand, five hundred and forty dollars (\$3,540.) to Sang-Kuen Jun and Wae-Sook Jun for improvements to 397 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Program. The total loan will be \$14,972. The interest rate is set at 4 1/8 percent, amortized over ten years, and;
- (b) That an increase in grant from the Barton Street Revitalization Fund in the amount of one thousand, seven hundred and seventy dollars (\$1,770.) be approved to pay-down the increase in Commercial Loan as per the terms of the Barton Street Revitalization Program.

iv) 146 Berkindale Drive - Hamilton Emergency Loan Program dated 1996 January 12

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, eight hundred and forty-five dollars (\$1,845.) be approved for Debra Cole, 146 Berkindale Drive, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

v) 34 Franklin Avenue - Hamilton Emergency Loan Program dated 1995 December 20

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and twenty-five dollars (\$1,725.) be approved for Julia Jakubiak, 34 Franklin Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

vi) 74 Burlington Street East - Hamilton Emergency Loan Program dated 1996 January 10

That a loan increase of \$353. be approved for Mr. and Mrs. K. Nunes, 74 Burlington Street East, under the Hamilton Emergency Loan Program (H.E.L.P.). The total loan is now \$1,402.

vii) 211 Beach Boulevard - Demolition dated 1996 January 12

That the Building Commissioner be authorized to issue a demolition permit for 211 Beach Boulevard in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

C. CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING AND DEVELOPMENT

i) Authorization for Staff Attendance at an Ontario Municipal Board Hearing, A-95-236, 110 Bowman Street dated 1996 January 8

That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-95-236, respecting property located at No. 110 Bowman Street.

- ii) Authorization for Staff Attendance at an Ontario Municipal Board Hearing, A-95-257, 400 Queensdale Avenue East (Inch Park Arena) dated 1996 January 15

That the appropriate staff (eg. Law and Planning Departments be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to approve Application No. A-95-257, respecting property located at No. 400 Queensdale Avenue East (Inch Park Arena).

- iii) Ontario Municipal Board Hearing - 43 Albermarle Street dated 1996 January 15

That the appropriate staff (e.g. Law and Planning Departments) not attend the Ontario Municipal Board hearing on 1996 January 29 in support of the Committee of Adjustment decision to deny Application No. A-167/94, respecting property at 43 Albermarle Street.

- iv) Extension of Draft Plan Approval "Battleridge" Subdivision (File No. 25T-76024) dated 1996 January 9.

- (a) That the Region be requested to approve the application by B.J. Clark, agent, to extend draft plan approval for "Battleridge" subdivision under Regional File No. 25T-76024 for a further one (1) year period to 1997 February 28; and,
- (b) That the Region of Hamilton-Wentworth be advised that the City of Hamilton has no objection to the inclusion of an additional condition that the owner provide any easements to the Regional Municipality of Hamilton-Wentworth as required by the Region in order to provide servicing to adjacent developers; and,
- (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

D. SENIOR DIRECTOR, TRANSPORTATION/ENVIRONMENTAL SERVICES GROUP

"Eleanor Heights Addition - Phase 2", Hamilton - Cash Payment in Lieu of 5% Parkland Dedication dated 1995 December 6

That the City of Hamilton accept the sum of \$ 15,000.00 as a cash payment in lieu of the 5% land dedication in connection with Eleanor Heights Addition - Phase 2, Hamilton, located in the Eleanor Neighbourhood north of Brenda Street and Bolzano Drive, south of Stone Church Road East, being the cash payment required under Section 51 of the Planning Act.

E. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

- i) Westdale Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1996 dated 1996 January 5

- (a) That the 1996 operating budget of the Westdale B.I.A. (attached as Appendix "D") be approved in the amount of thirty-five thousand dollars (\$35,000); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

(c) That the following Schedule of Payments for 1996 be approved.

January 01	\$11,000.
March 01	\$ 8,000.
June 01	\$ 8,000.
September 01	\$ 8,000.

NOTE: 1995 Levy arrears will be deducted from the payments for 1996

ii) Concession Street B.I.A. - Proposed Budget and Schedule of Payments for 1996 dated 1996 January 18

(a) That the 1996 operating budget of the Concession Street B.I.A. (attached as Appendix "E") be approved in the amount of ten thousand, one hundred dollars (\$10,100.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

(c) That the following Schedule of Payments for 1996 be approved:

January 01	\$2,525.
March 01	\$2,525.
June 01	\$2,525.
September 01	\$2,525.

NOTE: 1995 levy arrears will be deducted from the payments for 1996.

F. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

CN Station - Heating of Building dated 1995 December 12

That the City of Hamilton respectfully requests CN Railway to continue heating the CN Railway Station located on James Street North at a minimal level sufficient to prevent further deterioration, for the purpose of preserving the upgraded condition of the building and thereby maintaining its economic and cultural value.

G. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee acknowledged receipt for information purposes the following items which were forwarded to the members of the Committee under separate cover.

- (a) Information Report dated 1996 January 16 from the Chairperson, Central Area Plan Implementation Committee respecting Support for Preservation of Victoria Hall and McKay Building From Central Area Plan Implementation Committee (CAPIC)
- (b) Letter dated 1995 November 30 from the Manager of Development Control, City of Stoney Creek respecting Public Notice Signs for Subdivision and Consent Applications
- (c) Letter dated 1995 November 16 from the Minister of Municipal Affairs and Housing respecting changes to Ontario's Planning and Development Approval System
- (d) Information Report dated 1996 January 10 from the Building Commissioner respecting Residential Rehabilitation Assistance Program Allocation for 1995

7. **OTHER BUSINESS**

- (a) **Chief Administrative Officer and Building Commissioner Delegated Authority for Consent**

As recommended in a report dated 1996 January 17 the Committee recommended to Council as follows:

- (i) That the City Council request the Region of Hamilton-Wentworth to implement the previously requested delegation of authority for consents to the City of Hamilton effective 1996 May 1; and,
- (ii) That the City Clerk notify the Regional Clerk and the Regional Commissioner of Planning and Development of Council's decision.

- (b) **180 Walnut Street**

Art Zuidema advised that a two year by-law which has been held up by an O.M.B. is now retroactively in effect until October of 1996. The planner for this case has suggested that the Board be requested to make the zoning be effective two years from the date of the Board's decision.

As such, the Committee recommended to Council as follows:

That the City request the Ontario Municipal Board to amend Zoning Bylaw 94-178, 180 Walnut Street South such that the bylaw will be effective for a two (2) year temporary period commencing on the date of the Board's decision.

8. ADJOURNMENT

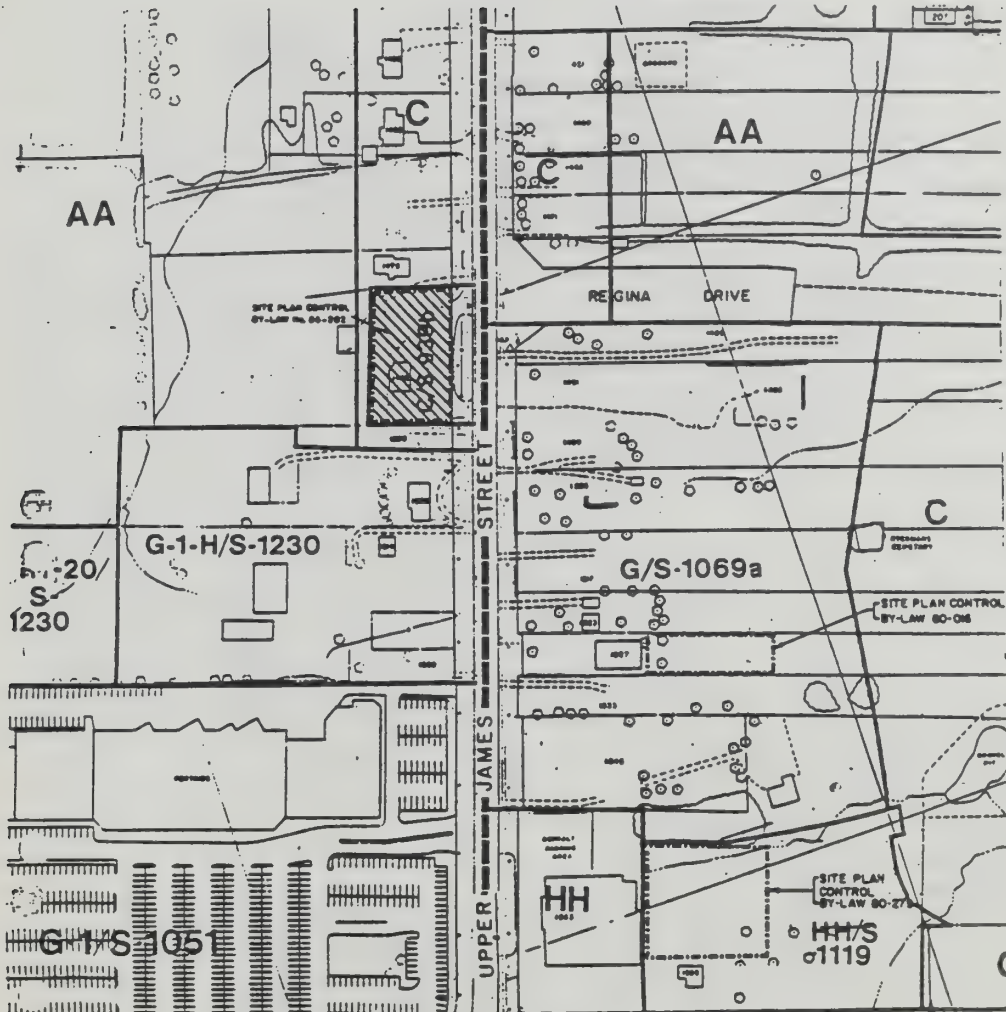
There being no further business, the Committee meeting adjourned.

Taken as read and approved.

Frank D'Amico
Vice-Chairperson
Planning and Development Committee

Tina Agnello
Secretary
/br

Appendix "A" referred
to in Section 1(A)(a) of the
Planning and Development
Committee minutes dated
1996 January 24



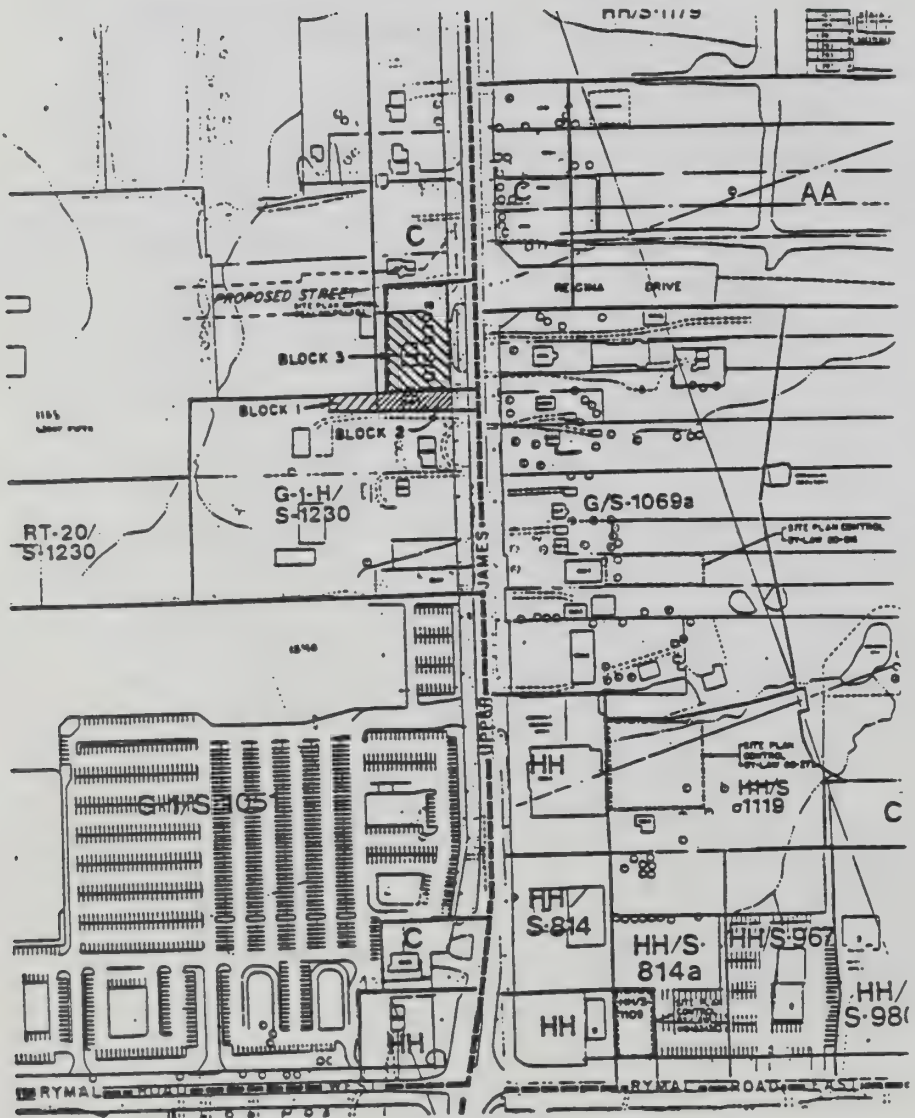
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Site of the Application



Appendix "B" referred
to in Section 1(A)(b) of the
Planning and Development
Committee minutes dated
1996 January 24.



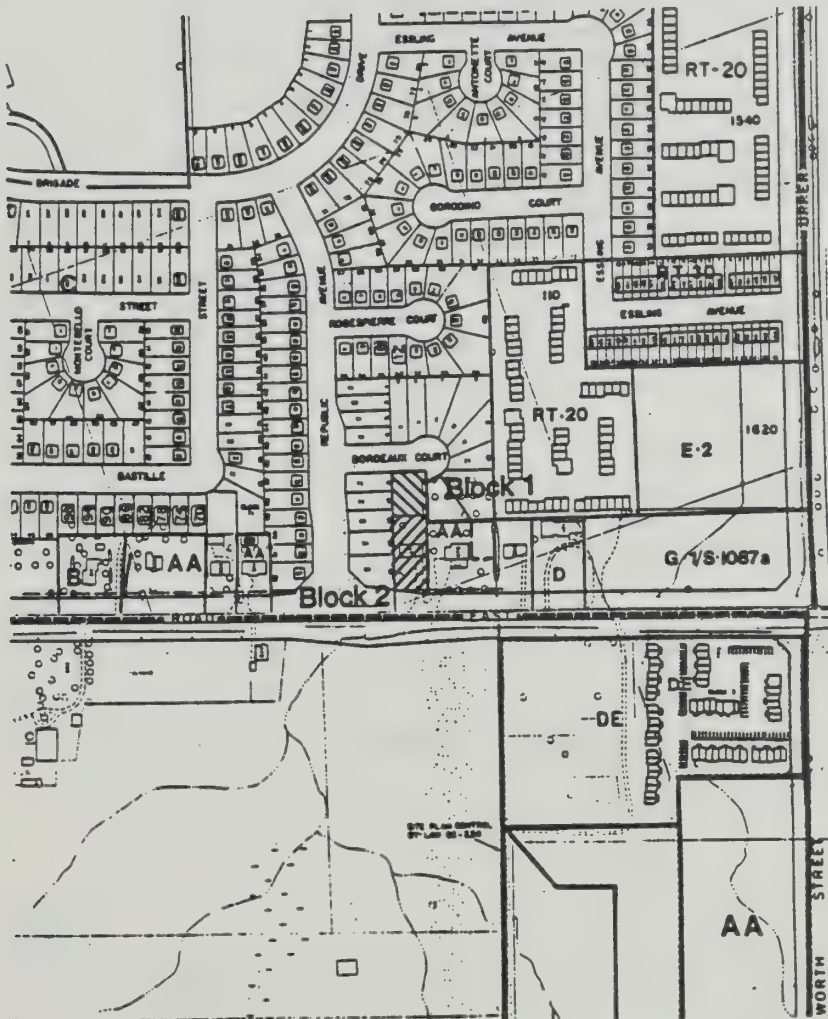
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Proposed change in zoning from:



- | | | |
|---------|--|---|
| BLOCK 1 | | "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified. |
| BLOCK 2 | | "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified. |
| BLOCK 3 | | "C" (Urban Protected Residential, etc.) District, modified to "HH" (Restricted Community Shopping and Commercial) District, modified. |

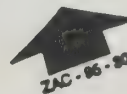
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Appendix "C" referred
to in Section 1(B)(a) of the
Planning and Development
Committee minutes dated
1996 January 24



LEGEND

- Block 1  Proposed change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified
- Block 2  Proposed modification to the "AA" (Agricultural) District



Appendix "D" referred
to in Section 6(E)(i) of the
Planning and Development
Committee minutes dated
1996 January 24

**WESTDALE VILLAGE B.I.A.
APPROVED 1996 BUDGET**

Office & Internal Expenses	\$2,500.
Advertising	\$3,000.
Sidewalk Sale	\$2,000.
Insurance	\$ 500.
Hydro	\$ 500.
Auditor	\$ 500.
Beautification	\$2,000.
Christmas Decorations	\$1,500.
Walk of Hope	\$1,000.
Festival	\$4,000.
Allowance for uncollected '95 levies and hiring of summer student	\$17,500.
TOTAL	<u>\$35,000.</u>

Appendix "E" referred
to in Section 6(E)(ii) of the
Planning and Development
Committee minutes dated
1996 January 24.

Concession Street Business Improvement Area

Proposed Budget for 1996

Expenses

Advertising and Promotion

	<u>1994</u>	<u>1995</u>	<u>1996</u>
Installation and Storing of Christmas Decorations	\$4,000.	\$4,000.	\$2,800.
Hydro - Christmas Lights	800.	800.	800.
Advertising and Promotion	<u>2,425.</u>	<u>2,425.</u>	<u>5,000.</u>
	7,225.	7,225.	8,600.

Administration

Association Dues	400.	400.	400.
Insurance	550.	550.	750.
Accounting	300.	300.	350.
Bank Charges	<u>100.</u>	<u>100.</u>	<u>Nil</u>
	1,350.	1,350.	1,500.

Office

Newsletter	500.	500.	500.
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Other

Miscellaneous	<u>500.</u>	<u>500.</u>	<u>500.</u>
	<u>\$9,575.</u>	<u>\$9,575.</u>	<u>\$11,100.</u>

Income

BIA Tax Levies	\$10,100.
City of Hamilton Grant - Christmas Decorations	<u>1,000.</u>
	<u>\$11,100.</u>

Ba)

CITY OF HAMILTON

- RECOMMENDATION -

JAN 30 1996

DATE: 1996 January 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Public Works and Traffic Department

SUBJECT: Eighth Annual Business Development Seminar -
Downtown Action Plan - Phase IV

RECOMMENDATION:

That \$4,000. be provided for the Eighth Annual Business Development Seminar that is being held on 1996 October 23, from Phase IV of the Downtown Action Plan Account Number CF 5200-428803000.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available within Phase IV of the Downtown Action Plan Account Number CF 5200 428803000.

There are no increased staffing implications to help in the organization of the event.

BACKGROUND:

The Business Development Seminar was first held in October 1989 as part of Phase IV of the Downtown Action Plan. The need for an educational seminar for local businesses was determined to be a requirement of sustaining a healthy core community by the Downtown Action Plan Phase IV consultants, Moorhead Fleming Corban and McCathy. The Plan was approved by City Council at its meeting held 1986 August 26.

In the past, the seminar has been co-ordinated through the efforts of The City of Hamilton, The Regional Municipality of Hamilton-Wentworth, The Business Advisory Centre, The International Village B.I.A., Ontario Skills Development, the Business Development Bank of Canada and other community volunteers. Since its inception in 1989 it has proved to be a successful seminar and, business and corporate sponsorship has grown steadily over the years. The Seminar is held within "Small Business Week" which is a nationally recognized week celebrating entrepreneurship.

The City of Hamilton has contributed \$5000. on a yearly basis since the Seminar's inception and staff from The Public Works and Traffic Department have been involved in the organization of the event.

This year, the objective of the Organizing Committee is to broaden the partnership to include: The Rotary Club of Hamilton, The Hamilton Chamber of Commerce and The District Ad and Sales Club. Preliminary discussions are taking place with the Business Development Seminar's Organizing Committee and representatives of the above noted groups.

To date The Regional Municipality of Hamilton-Wentworth through the Business Advisory Centre and The Business Development Bank of Canada have both contributed sponsorship monies for the 1996 Seminar.

The City of Hamilton has in the past contributed the amount of \$5,000. on an annual basis. However, to demonstrate The City of Hamilton's commitment to the objective of the Seminar and at the sametime being fiscally conscious, staff are recommending that this years contribution be reduced to \$4,000.

HM:hm

c.c. Mary Pocius, Chairperson
Business Development Seminar's Organizing Committee

Alan Ross, City Treasurer
Treasury Department
Attn: Brian Hill

B61

CITY OF HAMILTON

- RECOMMENDATION -

JAN 31 1996

DATE: 1996 January 31

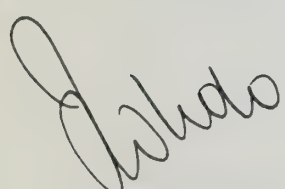
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.) -
Request Under the Commercial Improvement Program (C.I.P.).

RECOMMENDATION:

That the Ottawa Street B.I.A.'s request to utilize \$7,142. of the Commercial Improvement Program monies towards a mural project within the B.I.A. boundaries be approved and recovered from account number CF 5698 428705012.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available under the Commercial Improvement Program (C.I.P.). The Mural Program component of the C.I.P. identified \$7,142. for each B.I.A. to implement murals within their designated boundaries. Upon expenditure of the above there will be no monies remaining for The Ottawa Street B.I.A. for murals.

The lifespan of the murals is estimated at 10 years. The type of paint that will be utilized for the murals will address the fading issue. The Arts Co-ordinator, Culture and Recreation Department, has advised that \$100. per year is a sufficient amount of money for maintenance of a mural. Maintenance would include the paint and labour for touching-up the mural if required. Over a ten year life-span this would equate to \$1,000. The Ottawa Street B.I.A. has identified \$2,900. from its own budget for maintenance of the mural as well as the cost to add a rider to its existing liability insurance to cover the mural.

BACKGROUND:

The Commercial Improvement Program was established to fund physical improvements on publicly owned lands within Hamilton's Business Improvement Areas (B.I.A.'s). Murals on buildings within B.I.A.'s were also identified as an eligible expense as well as comprehensive studies undertaken within B.I.A.'s. Since 1987 B.I.A.'s have applied to The Public Works and Traffic Department for funding requests of various improvements. These have included items such as: benches, alleyway lighting, banners, garbage containers etc.

Mural programs have been established in many urban centres across Canada; in some it has become a focus of tourist promotional activities. Currently there is a growing trend in Ontario to utilize the visual arts for large-scale outdoor public works of this type. In Hamilton a number of murals have been created through various resources such as The Barton Street Mural Project, The Raices Project and the proposed Sesquicentennial Mural Project.

With a life expectancy of ten years, murals are a reasonable investment in streetscape improvements of the area. The vitality inherent in the use of colour, form and design would bring a complementary level of refurbishment to the streets surrounding Ottawa Street.

HM:hm

c.c. Mr. G. Culshaw, Chairman
Ottawa Street B.I.A.

Mr. R. Fair, Director
Culture and Recreation Department
Attn: Ms. C. York, Arts Co-ordinator

Bc >

CITY OF HAMILTON

- RECOMMENDATION -

JAN 31 1996

DATE: 1996 January 31

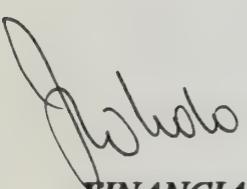
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Eighth Annual Public Service Announcement;
Phase IV of the Downtown Action Plan.

RECOMMENDATION:

That the City of Hamilton's Public Works and Traffic Department, in conjunction with The Keep Hamilton Clean Committee, hold The 8th Annual Public Service Announcement Competition through Mohawk College Media Studies Program and CHCH-TV at a total estimated cost of \$2,500.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in Phase IV of The Downtown Action Plan Account Number CF 5698-428803006.

BACKGROUND:

On 1988 November 28 City Council adopted Section 1 of the 23rd Report of The Planning and Development Committee which approved recommendations one through four and six of the City of Hamilton's Sanitation Study. Pursuant to this a Public Service Announcement (P.S.A.) competition was established in 1989 in co-operation with Mohawk College and CHCH-TV. The P.S.A. has been very successful over the past seven years and has assisted The City of Hamilton in developing community awareness amongst its residents

particularly the downtown business operators. The students of The Media Studies Program at Mohawk College are ready to commence preparing their submissions for the P.S.A. for 1996. Selection of the winning entries is carried out by The Keep Hamilton Clean Committee, Mohawk College, CHCH-TV and The Public Works and Traffic Department. Awards will be made in approximately July-August 1996.

Over the last seven years The City of Hamilton has contributed \$3000. on an annual basis to the P.S.A. To demonstrate our continued commitment to the cause of keeping Hamilton clean, while at the same time being fiscally responsible, staff are recommending that a contribution of \$2,500. be approved for the 1996 P.S.A. which is a reduction of \$500.

HM:hm

c.c. Mr. K. Wallace, Media Studies
Mohawk College of Applied Arts & Technology

Mr. D. Heintz, Public Works and Traffic Department

Mr. B. Janes
CHCH-TV

CITY OF HAMILTON

- RECOMMENDATION -

JAN 30 1996

DATE: 1996 January 26

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
129 BROADWAY AVENUE - Tag Number 95786
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 129 Broadway Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C/S-720, S-1335 (not final) and S-1335a (not final) (Map W-41)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: To demolish an existing 1½ storey brick veneer single family dwelling. Owner wishes to rebuild a new single family dwelling. No LACAC interest. Lot size 40' x 140'.

The owner of the property as per the demolition permit is:

Mark F. Cole
127 Jackson Street West
Hamilton, Ontario L8P 1L6

ND/zr

Da

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 January 23
(CDM-CONV-95-009)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

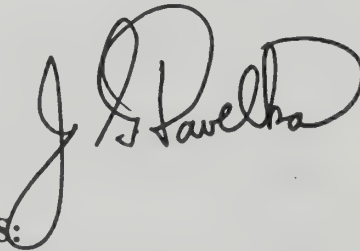
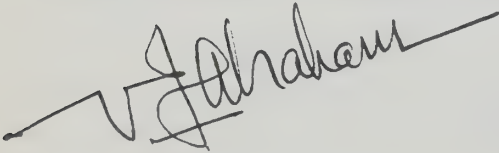
SUBJECT:

Proposed Draft Plan of Condominium by Bartonellis Holdings Limited, 350714 Ontario Limited, Rosa Lardi - 30 Summit Avenue, Eastmount Neighbourhood

RECOMMENDATIONS:

1. That approval be granted to application CDM-CONV-95-009 submitted by Bartonellis Holdings Limited, 350714 Ontario Limited, Rosa Lardi, owner, for a draft plan of condominium located at 30 Summit Avenue to provide for a condominium comprised of a 7 storey apartment building containing 38 individual apartment condominium units, subject to the following conditions:
 - a) That this approval applies to the attached draft plan dated January 18, 1996 prepared by Consoli & Jacobs Surveying Ltd.;
 - b) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;
 - c) That prior to approval of the final plan,
 - i) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and

- ii) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, it is required that the building's non-compliance to the existing Site Specific By-Law 73-13 as amended by Committee of Adjustment A-74:50 be rectified by a re-zoning or minor variance;
 - d) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-009);
 - e) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - f) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
2. That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner -

Bartonellis Holdings Limited, 350714 Ontario Limited, Rosa Lardi, Hamilton, Ontario

Surveyor -

Consoli & Jacobs Surveying Ltd., Hamilton, Ontario

Location -

The lands known municipally as 30 Summit Avenue, comprising 0.061 ha, are located on the west side of Summit Avenue, north of Concession Street in the Eastmount Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert an existing rental apartment building containing 38 units on 7 floors to condominium status.

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Existing Development" within the "Urban Policies Area". The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

City of Hamilton Zoning By-law - The lands are zoned "E"- Multiple Dwellings. The Building Department has advised the proposed condominium does not conform to the existing Site Specific By-Law 73-13 as amended by Committee of Adjustment A-74:50.

Neighbourhood Plan - There is no Neighbourhood Plan for the Eastmount Neighbourhood.

Rental Housing Protection Act - Application CD-95-009 was approved by Council on July 11, 1995 subject to several conditions. Recommendation of draft approval status of the Plan of Condominium is conditional upon the owner securing the Certificate of Approval.

Comments from Circulation -

The following agencies had no comments or objection toward the proposal:

Ontario Hydro
Hamilton Hydro
Union Gas
Bell Canada
Hamilton Region Conservation Authority

The City of Hamilton Traffic Department noted a discrepancy between the number of parking spaces identified on the Plan of Condominium and the number of parking spaces identified on the application form.

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"INFORMATION:

1. Storm and sanitary sewers are available on Summit Avenue to service this site.
2. The proposed condominium conversion development can be serviced for water from the existing watermain on Summit Avenue.
3. The Transportation division of our department has advised, since this development is not adjacent to a Regional road they have no comment.
4. There will be no Regional share for this development.
5. That the H.S.R. have stated that they have no comment.

RECOMMENDATIONS:

Our department has no recommendations regarding the development of this site."

The City of Hamilton Building Department has submitted the following comments:

"COMMENTS:

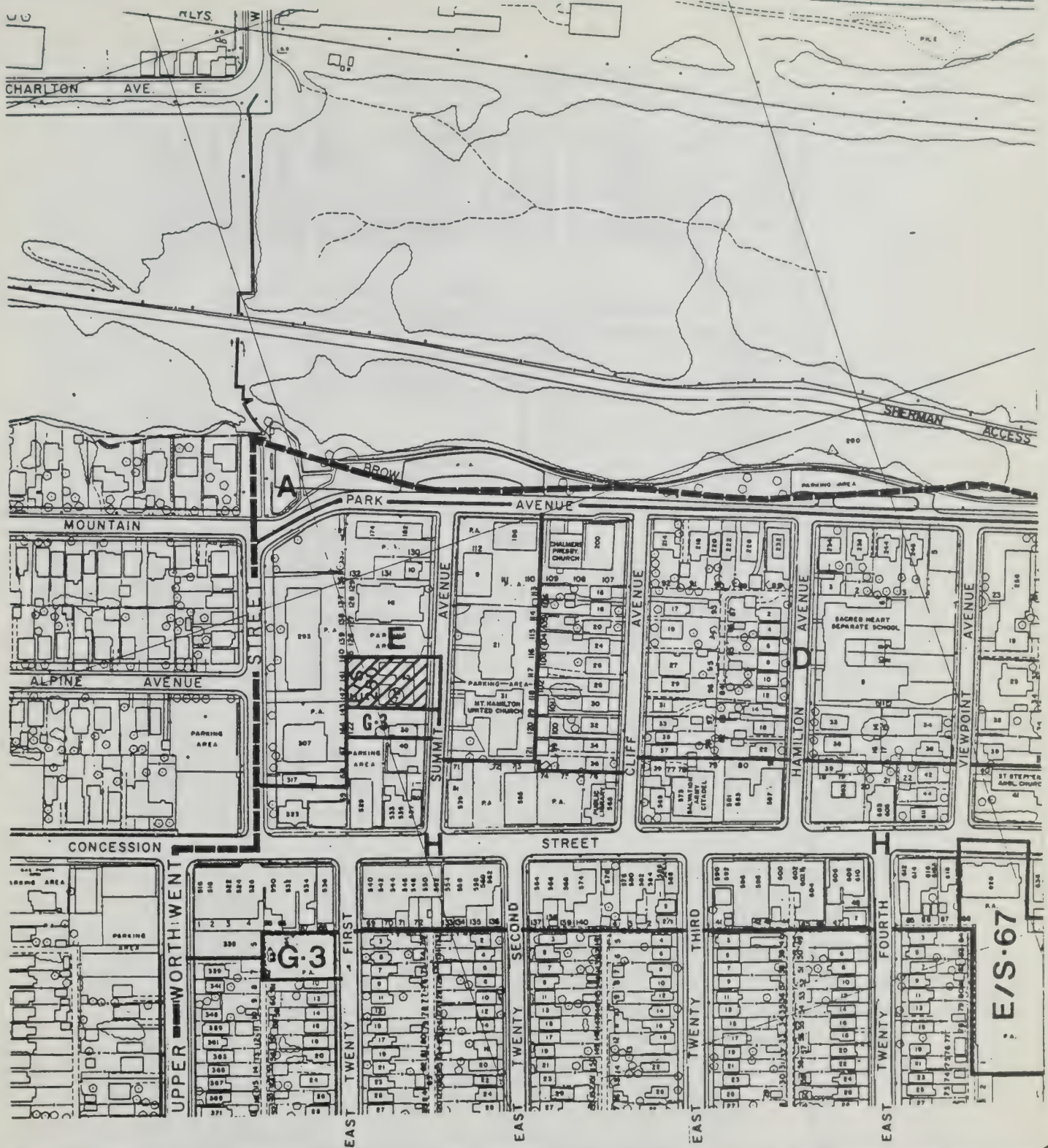
1. The property is recognized as a thirty-eight (38) unit multiple dwelling with a minimum of forty-eight (48) parking spaces.
2. The site details on the plan do not correspond to the application.
3. This proposed condominium does not conform to the existing Site Specific By-Law 73-13 as amended by Committee of Adjustment A-74:50.
4. It appears that the number of parking and the landscaped area does not conform."

COMMENTS:

The applicant wishes to convert 38 existing rental apartment units to 38 condominium apartment units on the subject property. To complete this process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then apply for the City's approval under the Condominium Act for the legal division of the property.

On July 11, 1995, Council approved application CD-95-009 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the owner will have had to complete the Rental Housing Protection Act conditions and received the Rental Housing Protection Act Certificate of Approval.

KE/ke



City of Hamilton

Key Map

" DRAFT PLAN OF CONDOMINIUM "

30 Summit Avenue

Planning and Development Department

Legend



Location of Subject Lands

North

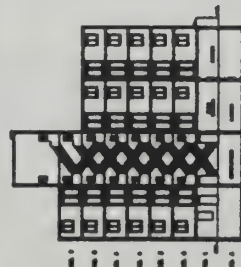
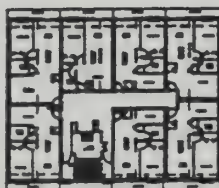
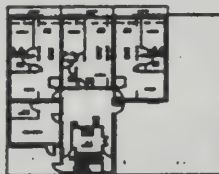
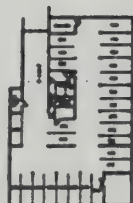
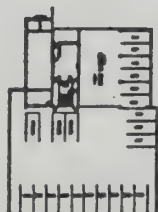
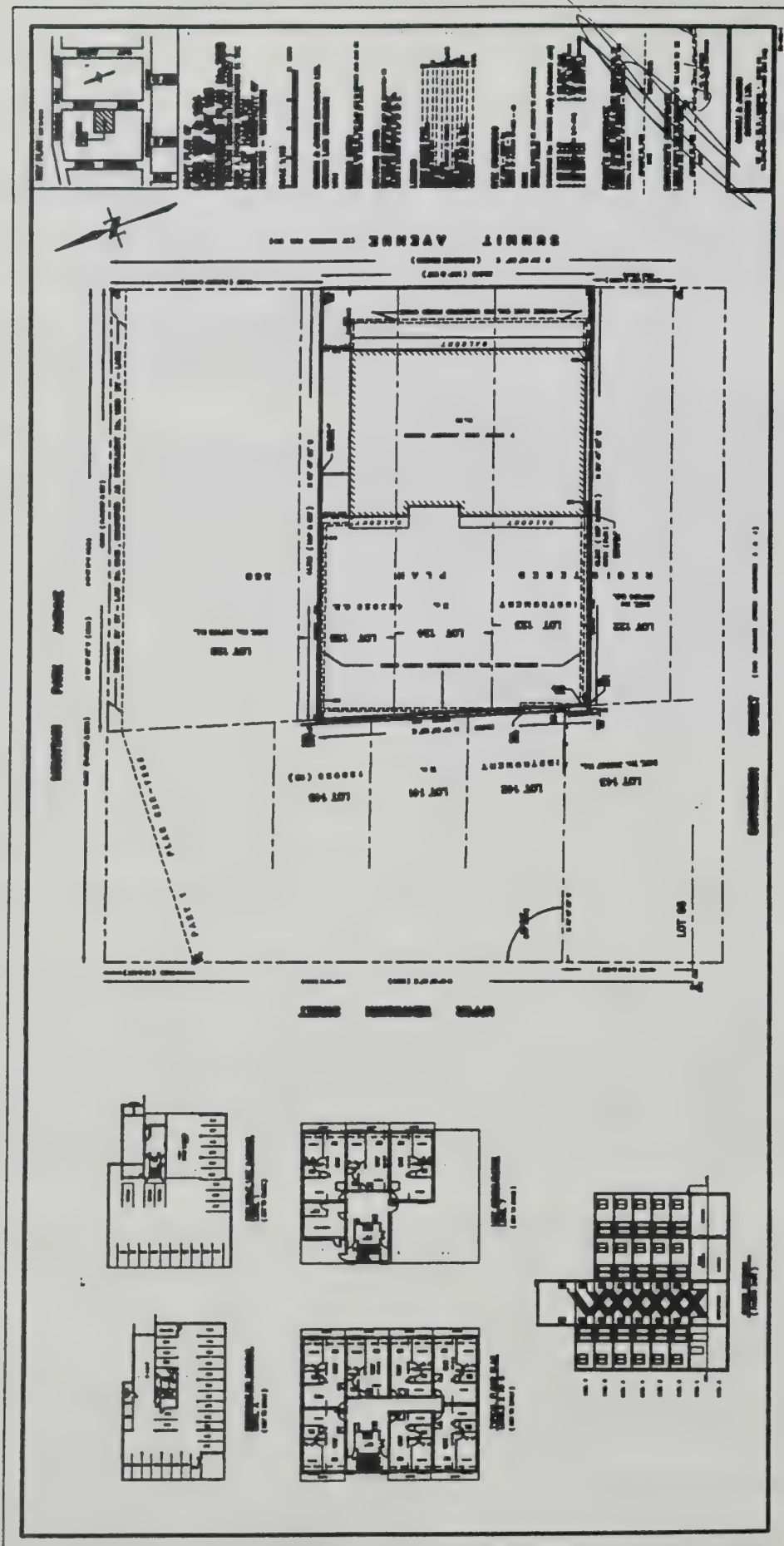


Scale
Not to Scale

Date
APRIL 1995

Reference File No.
CDM- CONV-95-009

Drawn By
W. B.



LOT 127

D6)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 January 22
(CDM-CONV-95-003)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

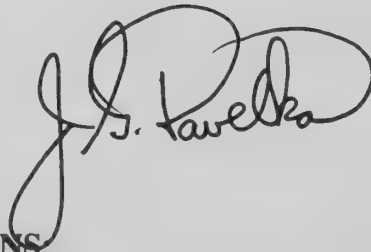
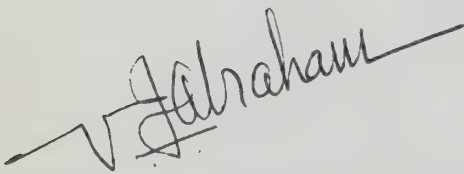
SUBJECT:

Proposed Draft Plan of Condominium by Roy Megna (In Trust) -
2373 King Street East, Glenview East Neighbourhood

RECOMMENDATIONS:

1. That approval be granted to application CDM-CONV-95-003 submitted by Roy Megna (In Trust), owner, for a draft plan of condominium located at 2373 King Street East to provide for a condominium comprised of a 5 storey apartment building containing 39 individual apartment condominium units, subject to the following conditions:
 - a) That this approval applies to the attached draft plan dated March 24, 1995 prepared by Consoli & Jacobs Surveying Ltd.;
 - b) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;
 - c) That prior to approval of the final plan,
 - i) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and
 - ii) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, it is required that the building's non-compliance with General Zoning By-law 6593 namely the existence of a 39th unit be rectified by a re-zoning or minor variance;

- d) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-003);
 - e) That the owner shall have satisfied all requirements, financial and otherwise of The Regional Municipality of Hamilton-Wentworth and that the City be advised by The Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from The Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - f) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
2. That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS.

N/A

BACKGROUND:

Owner -

Roy Megna (In Trust), Hamilton, Ontario

Surveyor -

Consoli & Jacobs Surveying Ltd., Hamilton, Ontario

Location -

The lands known municipally as 2373 King Street East, comprising 0.202 ha, are located on the north side of King Street East, west of the Red Hill Creek Valley in the Glenview East Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert an existing rental apartment building containing 39 units on 5 floors to condominium status.

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Existing Development" within the "Urban Policies Area". The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

City of Hamilton Zoning By-law - The lands are zoned "E-2"- Multiple Dwellings. The Building Department has advised the permitted use on the site is a 38 unit multiple dwelling and the current 39 unit multiple dwelling does not conform to the Zoning By-law.

Neighbourhood Plan - There is no Neighbourhood Plan for the Glenview East Neighbourhood.

Rental Housing Protection Act - Application CD-95-003 was approved by Council on May 30, 1995 subject to several conditions. Recommendation of draft approval status of the Plan of Condominium is conditional upon the owner securing the Certificate of Approval.

Comments from Circulation -

The following agencies had no comments or objection toward the proposal:

Ontario Hydro
Hamilton Hydro
Union Gas
Bell Canada
Hamilton Region Conservation Authority

The City of Hamilton Traffic Department noted a discrepancy between the number of parking spaces identified on the Plan of Condominium and the number of parking spaces identified on the application form.

The Hamilton-Wentworth Roads Department has submitted the following:

"RECOMMENDATIONS:

The designated road allowance of this section of King Street East is 26.21 metres. In accordance with this designation, the applicant/owner should be advised of a future 3.048 metre road allowance widening from the subject lands adjacent to King Street East."

The City of Hamilton Building Department has submitted the following comments:

"COMMENTS:

1. The use is recognized as a thirty-eight (38) unit multiple dwelling with forty-seven (47) parking spaces.
2. The site statistics on the plan do not correspond to the application.

3. It appears that the proposal does not conform."

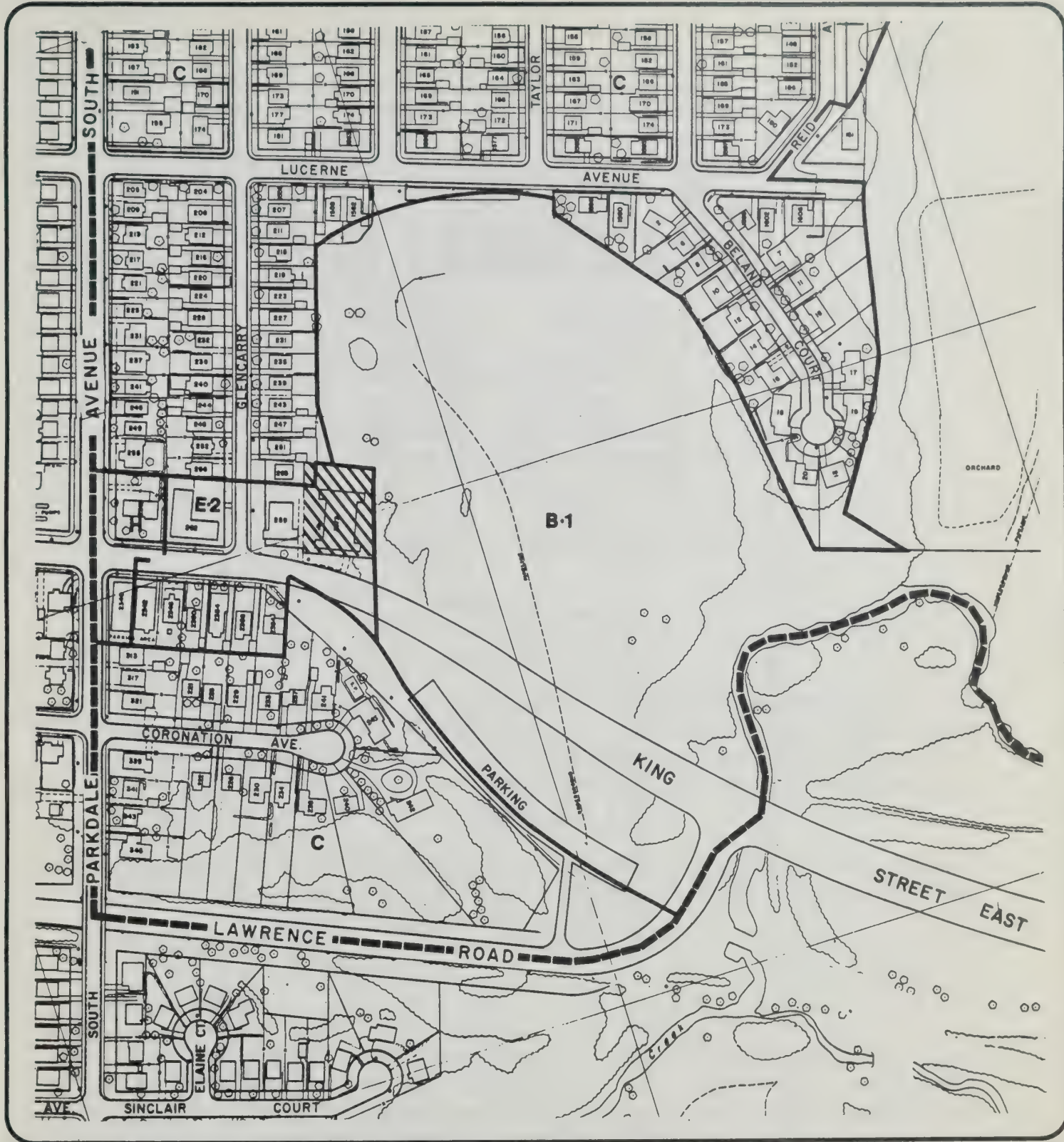
In regard to the comments provided by the Building Department, the City of Hamilton Law Department has noted that "the existing building is therefore contrary to the Zoning By-law - unless a further rezoning By-law or Committee of Adjustment variance were obtained to permit the 39th unit without the additional required parking space."

COMMENTS:

The owner wishes to convert 39 existing rental apartment units to 39 condominium apartment units on the subject property. To complete this process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then apply for the City's approval under the Condominium Act for the legal division of the property. In addition, the building has to be brought into conformity with the City of Hamilton Zoning By-law through a rezoning or Committee of Adjustment variance.

On May 30, 1995, Council approved application CD-95-003 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the owner will have had to complete the Rental Housing Protection Act conditions and received the Rental Housing Protection Act Certificate of Approval.

KE/ke



City of Hamilton

Key Map

" DRAFT PLAN OF CONDOMINIUM "

2373 King Street East

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale

Date
APRIL 1995

Reference File No.
CDM- CONV-95-003

Drawn By
W. B.

**DRAFT PLAN OF
PART OF LOT 32,
CONCESSION 3**
CITY OF HAMILTON
COUNTY OF HAMILTON
HAMILTON - WESTMOUNT
SCALE 1/8" = 1'

OWNER: J. & J. JACKSON LTD.
DESIGNER: J. & J. JACKSON LTD.
ENGINEER: J. & J. JACKSON LTD.
DATE: 1968

REMARKS: THIS PLAN IS FOR THE
CONSTRUCTION OF A BUILDING
ON THE SITE SHOWN HEREON.

NOTES: 1. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
BUILDING BY-LAW.

2. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
ZONING BY-LAW.

3. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
FIRE BY-LAW.

4. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
ENVIRONMENTAL BY-LAW.

5. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
WATER BY-LAW.

6. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
SEWER BY-LAW.

7. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
TRASH BY-LAW.

8. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
PARKING BY-LAW.

9. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
LANDSCAPING BY-LAW.

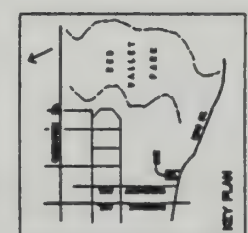
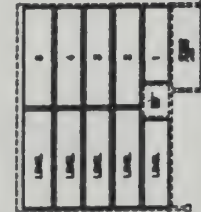
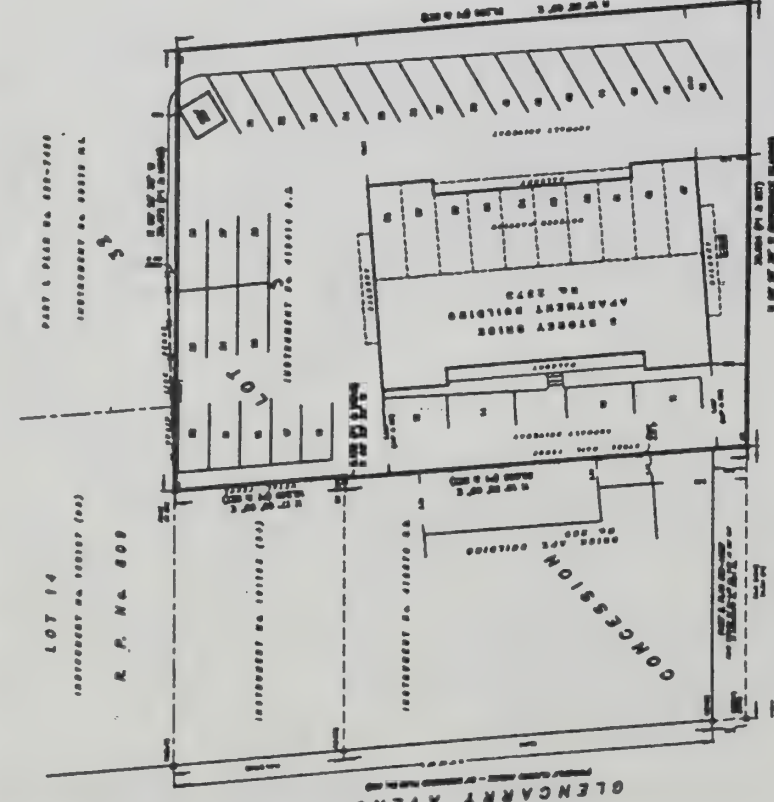
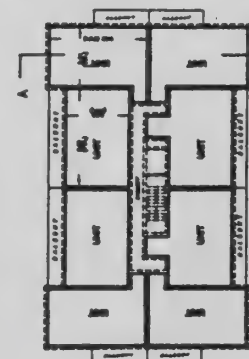
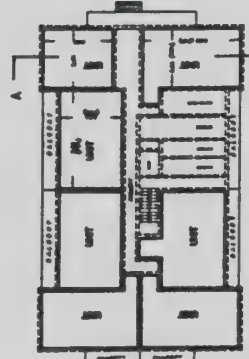
10. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
SIGNAGE BY-LAW.

11. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
LIGHTING BY-LAW.

12. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
SAFETY BY-LAW.

13. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
ACCESSIBILITY BY-LAW.

14. THE BUILDING SHALL BE
CONSTRUCTED IN ACCORDANCE
WITH THE CITY OF HAMILTON
ENERGY BY-LAW.



KING STREET EAST
PART 2
PLAN 610-11000

GLENCAIRY AVENUE

LOT 32
R. P. N. 600

PART 1
PLAN 610-11000

PART 2
PLAN 610-11000

E

CITY OF HAMILTON

- RECOMMENDATION -

JAN 30 1996

DATE: 1996 January 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Intention to Designate the Burlington Canal Lighthouse
and Keeper's Dwelling

RECOMMENDATION:

- a) That approval be given to the "Intention to Designate" the Burlington Canal Lighthouse and Keeper's Dwelling complex at 1159 and 1155 Beach Boulevard as a property of historical and architectural value as outlined in the Reasons for Designation attached hereto and marked as Appendix "A", pursuant to the provisions of the Ontario Heritage Act, 1989; and,
- b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1989.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

Touzel

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1995 November 13 approved the above but agreed to hold the recommendation so that Public Works Canada, owner of the property, could review the designation. The Committee at its 1996 January 22 meeting was advised that Public Works Canada offered no objections to the designation.

A letter dated 1991 November from the Regional Manager of Federal Facilities for Public Works Canada indicated that Transport Canada had no further use for the buildings and that measures would be taken to protect the vacant residence from vandalism. Interest was also expressed in any proposals for adaptive re-use by the City or Region through a lease or licensing agreement. Since this time, the keeper's dwelling has remained vacant; minimal maintenance has been carried out on both structures; and there have been no negotiations

between Public Works Canada and the City or Region with respect to their future use.

While the regulations of the Ontario Heritage Act would not apply while the lighthouse and keeper's house remain in federal ownership, designating this building complex at the present time would provide some measure of protection in the event that they are officially declared surplus by Public Works Canada and offered for sale.

attached

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning Department
Patrice Noé Johnson, City Solicitor

REASONS FOR DESIGNATION

**Burlington Canal
Lighthouse and Keeper's Dwelling
1159 and 1155 Beach Boulevard
Hamilton, Ontario**

Context

The lighthouse and adjacent keeper's dwelling, built respectively in 1858 and 1857, are located just south of the Burlington Canal on the strip of land dividing Hamilton Harbour and Lake Ontario. The lighthouse, a *recognized federal heritage building*, marks the entry into the protected waters of the harbour.

Once a prominent landmark on the Beach Strip, the still impressive 55-foot high circular stone structure is now overshadowed by the adjacent steel tower of the vertical lift bridge and elevated roadway to the east and the Skyway Bridge to the west. Gone from its turn-of-the century setting, when the Beach Strip was a popular summer resort, are the Royal Hamilton Yacht Club quarters (1892–1915), the hotels, boardwalk, and the road and railway swing bridges.

History

The lighthouse complex is closely associated with Hamilton's development as a major lake port, which began with the opening of the Burlington Canal in 1832. The first lighthouse and keeper's dwelling, both frame buildings erected in 1837, were destroyed by fire in 1856 and subsequently replaced by the present stone and brick structures. The lighthouse served as an important navigational aid for cargo ships and pleasure craft until 1961 when it was removed from service and superseded by a modern light erected on the new lift bridge. The house, moved a short distance to its present site in the late 1890s, was continuously occupied until 1991 by five successive lightkeepers. The lighthouse and keeper's dwelling are the oldest surviving buildings on the Beach Strip and the only intact structures linked to Hamilton's mid-19th century port function.

Architecture

The lighthouse and keeper's dwelling together constitute one of few extant historic light stations in Ontario. Of the seven surviving lighthouses on the Canadian side of Lake Ontario, only Burlington Canal retains its original lightkeeper's residence. Moreover, relatively few Canadian lighthouses were constructed of stone, most of which predate Confederation. Of eight known examples erected on Lake Ontario, the Burlington Canal lighthouse is now one of only four remaining.

Constructed of squared white limestone blocks laid in regular courses, the lighthouse features slit windows with cut stone sills, a round-arched doorway and a 12-sided iron-framed lantern (dating from 1891 when the original one was replaced). It was erected by the renowned Scottish mason from Thorold, John Brown, the builder of six similar lighthouses on Lake Huron and Georgian Bay, known as "Imperial Towers" and all still standing.

The brick keeper's dwelling, a 1 1/2 storey, side-gabled structure with a three-bay facade and parapet end walls, is similar in form to the stone dwellings built in conjunction with the six Imperial Towers, some of which also have raised parapet walls with built-in end chimneys. A distinctive feature of the Burlington Canal lightkeeper's house is the corbel detail of the raised parapets, which is characteristic of Hamilton's 19th century worker housing. The large window openings are accentuated by cut stone sills and lintels. Minor alterations over the years include the replacement of the original six-paned window sashes with single-paned sashes; replacement of the front door; and the rebuilding of the raised parapets with narrower end chimneys and corresponding loss of decorative brickwork beneath the parapet coping. The front doorway, with its rectangular transom, is now obscured by an enclosed front porch, built in 1945 to replace a full verandah added after 1900.

The stone tower has been preserved virtually intact while the lightkeeper's dwelling has largely retained its original character, despite the changes identified above.

Designated Features

Important to the preservation of the Burlington Canal lighthouse complex are:

1. the stone masonry tower and iron lantern, including the round-arched doorway and tall narrow windows.
2. all four brick masonry facades of the keeper's dwelling, including the parapet end walls, original door and window openings, and stone trim. Excluded are all later additions, including the front porch, and a rear shed and dormer.

F.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 January 31

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Board of Education for the City of Hamilton re: Representatives on the Planning and Development Committee dated 1995 December 12.
- (b) City Solicitor re: Administrative Tribunal Update dated 1996 January 17.
- (c) Director of Planning and Development re: Approved Site Plan Control Application dated 1996 January 31.
- (d) CAPIC re: CAPIC - Current Focus and Membership Update dated 1996 January 30.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN/MUNICIPAL
CAYON HBL A05
C51P4
1996



Ken Roberts
C.E.O.
Hamilton Public Library

2nd Floor

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 February 21

9:30 o'clock a.m.

Room 233, City Hall

URBAN MUNICIPAL

FEB 20 1996

GOVERNMENT DOCUMENTS

T. Agnello

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. City Initiative 94-H, Amendments to Zoning By-Law No. 6593, for certain lands within the City of Hamilton, which are to be removed from the "Development Control" regulations of the Niagara Escarpment Commission.
2. City Initiative 96-B, A general text amendment to the City of Hamilton Zoning By-law No. 6593 respecting parking requirements for residential conversions in the Central Business District.
3. Rental Housing Protection Act Application, 297 - 301 Mary Street, (Beasley Neighbourhood)

9:45 O'CLOCK A.M.

4. Zoning Application 95-32, by Peter Hatzoglou, Peter and John Zourntos, Aiden Tuite and Philip Mancini, owners, for an amendment to the City of Hamilton Official Plan and for a change in zoning from "G-4" District, modified, to "HH" District for lands located at 30 Rymal Road East.

Submissions: a) Stewart Munghen, 60 Rymal Road East, Hamilton
b) Eleanor and John Davidson, 39 Lister Avenue, Hamilton

5. **DELEGATION**

Helen Pelton, Turkstra Garrod Hodgson on behalf of Mark Cole regarding a settlement offer on the appeal of By-law 92-02 and 95-033 (Monster Homes, Ainslie Wood Nieghbourhoods)

6. **DIRECTOR OF PLANNING AND DEVELOPMENT, CITY SOLICITOR AND CHIEF ADMINISTRATIVE OFFICER**

85 Robinson Street (Thistle Club) - Ontario Municipal Board

7. **CONSENT AGENDA**

8. **OTHER BUSINESS**

9. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
3.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
4.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
5.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
6.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
7.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
8.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
9.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 12
(CI 94-H)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Removal of lands from Development Control (Niagara Escarpment Commission) and the Resumption of Zoning By-law No. 6593

RECOMMENDATIONS:

1. That approval be given to City Initiative 94-H, for changes and modifications to Zoning By-law No. 6593, for lands within the City of Hamilton that are proposed to be removed from the Development Control regulations under the Niagara Escarpment Planning and Development Act, as shown on the attached maps marked as APPENDICES 'A' to 'H', on the following basis:
 - a) That Blocks "1", "2" and "3", as shown on the attached maps marked as APPENDICES 'A' and 'B', be rezoned from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Agriculture) District;
 - b) That the "A" (Conservation, Open Space, Park and Recreation, etc.) District provisions, as contained in Section 7 of Zoning By-law No. 6593, applicable to Blocks 4, 5, and 6, as shown on the attached maps marked as APPENDICES 'C', 'D', and 'E', be modified to include the following variances as special requirements:
 - i) notwithstanding Section 3.(4) of By-law No. 6593, no building shall exceed two and a half storeys in height, and no structure shall exceed 11 m (36.09 feet) in height; and

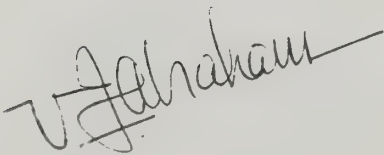
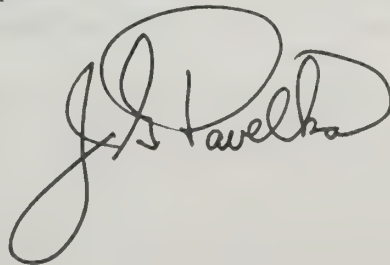
- ii) notwithstanding Section 7.(3) of By-law No. 6593, no building or structure shall be closer than 30 m (100 feet) from the top of the Escarpment.

- c) That the "AA" (Agricultural) District provisions, as contained in Section 7A of Zoning By-law No. 6593, applicable to Blocks "7" and "8", as shown on the attached maps marked as APPENDICES 'F' and 'G', be modified to include the following variances as special requirements:
 - i) notwithstanding Section 3.(4) of By-law No. 6593, no building shall exceed two and a half storeys in height, and no structure shall exceed 11 m (36.09 feet) in height; and
 - ii) notwithstanding Section 7A.(3) of By-law No. 6593, no building or structure shall be closer than 30 m (100 feet) from the top of the Escarpment.

- d) That the "B" (Suburban Agriculture and Residential, etc.) District provisions, as contained in Section 8 of Zoning By-law No. 6593, applicable to Block "9", as shown on the attached map marked as APPENDIX 'H', be modified to include the following variances as special requirements:
 - i) notwithstanding Section 3.(4) of By-law No. 6593, no building shall exceed two and a half storeys in height, and no structure shall exceed 11 m (36.09 feet) in height; and
 - ii) notwithstanding Section 8.(3) of By-law No. 6593, no building or structure shall be closer than 30 m (100 feet) from the top of the Escarpment.

- e) That the "B-1" (Suburban Agriculture and Residential, etc) provisions, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "10", as shown on the attached map marked as APPENDIX 'H', be modified to include the following variance as a special requirement:
 - i) notwithstanding Section 3.(4) of By-law No. 6593, no building shall exceed two and a half storeys in height, and no structure shall exceed 11 m (36.09 feet) in height.

- f) That the "B-2" (Suburban Residential, etc.) District provisions, as contained in Section 8B of Zoning By-law No. 6593, applicable to Block "2", as shown on the attached map marked as APPENDIX 'A', be modified to include the following variance as a special requirement:
 - i) notwithstanding Section 8B.(4) of By-law No. 6593, the minimum lot area shall not be less than 491 m².
 - g) That the "B-2" (Suburban Residential, etc.) District provisions, as contained in Section 8B of Zoning By-law No. 6593, applicable to Blocks "1" and "3", as shown on the attached maps marked as APPENDICES 'A' and 'B', be modified to include the following variance as a special requirement:
 - i) for the purposes of this by-law, the rear lot line shall be defined as the "toe-of-slope".
 - h) That the amending By-law be added to Section 19B of Zoning by-law No. 6593 as Section S- , and the subject lands on Zoning District Maps No. E-66, E-67, E-15, E-35, E-46, E-69, E-69a, E-69b, E-79a, E-79b, W-36, W-6, W-7 and W-15 be notated S-;
 - i) That the Director of Planning and Development be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Maps No. E-66, E-67, E-15, E-35, E-46, E-69, E-69a, E-69b, E-79a, E-79b, W-36, W-6, W-7 and W-15 for presentation to City Council; and,
 - j) That the proposed changes and modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
2. That the City Clerk be requested to advise the Niagara Escarpment Commission that the City of Hamilton has no objection to placing the lands of the Red Hill Creek Valley between Greenhill Avenue and the CP Railway track, as shown on the attached map marked as APPENDIX 'I', under "Development Control".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of August 25, 1992, City Council directed staff of the Planning and Development Department:

"to initiate discussions with the Niagara Escarpment Commission, the Ministry of Municipal Affairs and the Ministry of the Environment to prepare zoning by-laws that will replace the development control system administered by the Niagara Escarpment Commission for lands designated "Urban Area" and "Escarpment Protection" in the Niagara Escarpment Plan (NEP)."

Over the past few years, extensive negotiations with the NEC have taken place. The NEC agreed to the City's request for removal of "Development Control" from the lands designated "Urban Area" in the NEP provided a number of conditions were met:

- a) Notwithstanding the Lapp lands (100 Beddoe Drive) are designated "Urban Area" in the NEP, the lands will remain under Development Control due to an existing Consolidated Board Decision/Order pending on these lands.
- b) The City place a 10 m height restriction and 30 m setback from the Escarpment brow.
- c) In exchange for the removal of the NEC regulations, the lands in the Red Hill Creek Valley between Green Hill Avenue and the CP Railway tracks be placed under Development Control (see APPENDIX 'I'). The existing homes along Dundonald Avenue and Charlotte Street will **not** be included in "Development Control"

DESCRIPTION OF THE LANDS AFFECTED BY THE CHANGES AND MODIFICATIONS IN ZONING

- Block "1" Nos. 56 to 104 and 116 Kimberly Drive (APPENDIX 'A')
- Block "2" No. 108 Kimberly Drive (APPENDIX 'A')
- Block "3" Nos. 124 to 148 Kimberly Drive (APPENDIX 'B')
- Block "4" Sam Lawrence Park (APPENDIX 'C')

Block "5"	Mountain Drive Park (APPENDIX 'D')
Block "6"	Mohawk Sports Park - east of the former railway tracks (APPENDIX 'E')
Block "7"	130 to 40 Mud Street and 20 Pritchard Road (APPENDIX 'F')
Block "8"	Lands of the Chedoke Hospital Corporation (APPENDIX 'G')
Blocks "9" and "10"	Lands of the Hamilton Psychiatric Hospital (APPENDIX 'H')

COMMENTS:

- 1) Staff of the Planning and Development Department suggested the Lapp property remain under the jurisdiction of the NEC until such time as the project is built and all the conditions of the Joint Consolidated Board have been met or the decision lapses in May 1998.
- 2) It is appropriate to place a height restriction and setback limit from the Escarpment to meet the objectives of the Niagara Escarpment Commission, which historically restricted heights and provided a buffer area for development within the vicinity of the brow.

In the final discussions, the height restriction was increased from 10 m to 11 m since the City had a number of Zoning Districts with this height limit already in place.

To fulfil condition b, the City has to pass amendments to the Zoning By-law for the applicable lands. These lands are identified in APPENDICES 'C' to 'H' and described in more detail below.

- 3) It is appropriate to place the lands within the Red Hill Creek Valley between Greenhill Avenue and the CP Railway tracks under "Development Control" since they are designated "Protection Area" in the NEP. This action is consistent with other lands within the City that are designated "Protection Area" and are under Development Control.

The boundary of the new "Development Control" Area will be identified by the Niagara escarpment Commission through their regulations.

For the information of the Committee, Development Control replaced municipal zoning in 1973. Following the establishment of "Development Control", the Niagara Escarpment Commission completed the policy document (Niagara Escarpment Plan) in 1985. It was the intention of the NEC that all lands designated within the Plan be brought under their jurisdiction. However, this parcel of land was inadvertently missed being placed under "Development Control" after the NEP was completed.

There was a concern expressed that additional approvals for the Expressway would be required if these lands were placed under the NEC's jurisdiction. The NEC has assured the City, in writing, that no additional approvals would be necessary (see APPENDIX 'J').

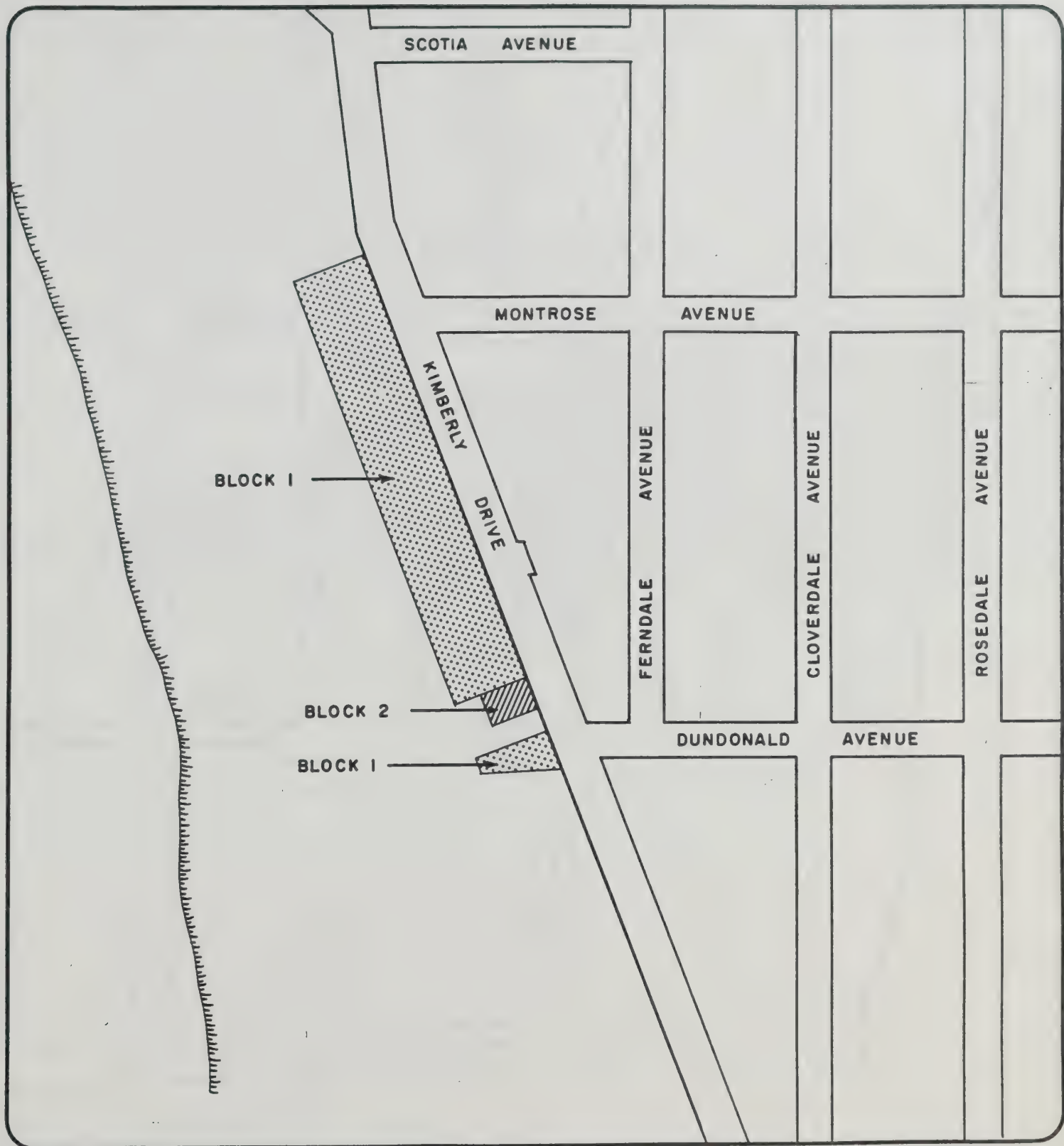
CONCLUSION:

Based on the foregoing, the following recommendations can be supported:

- 1) amending Zoning By-law No. 6593 to facilitate the removal of "Development Control" from lands designated "Urban Area" in the Niagara Escarpment Plan; and,
- 2) placing the lands of the Red Hill Creek Valley between Greenhill Avenue and the CP Railway track under "Development Control".

JHE

cc. Len King
Building Commissioner



City of Hamilton

Appendix 'A'

Planning and Development Department

Legend

Change in zoning from:



BLOCK 1

"A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Residential) District, modified.



BLOCK 2

"A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Residential) District, modified.

North

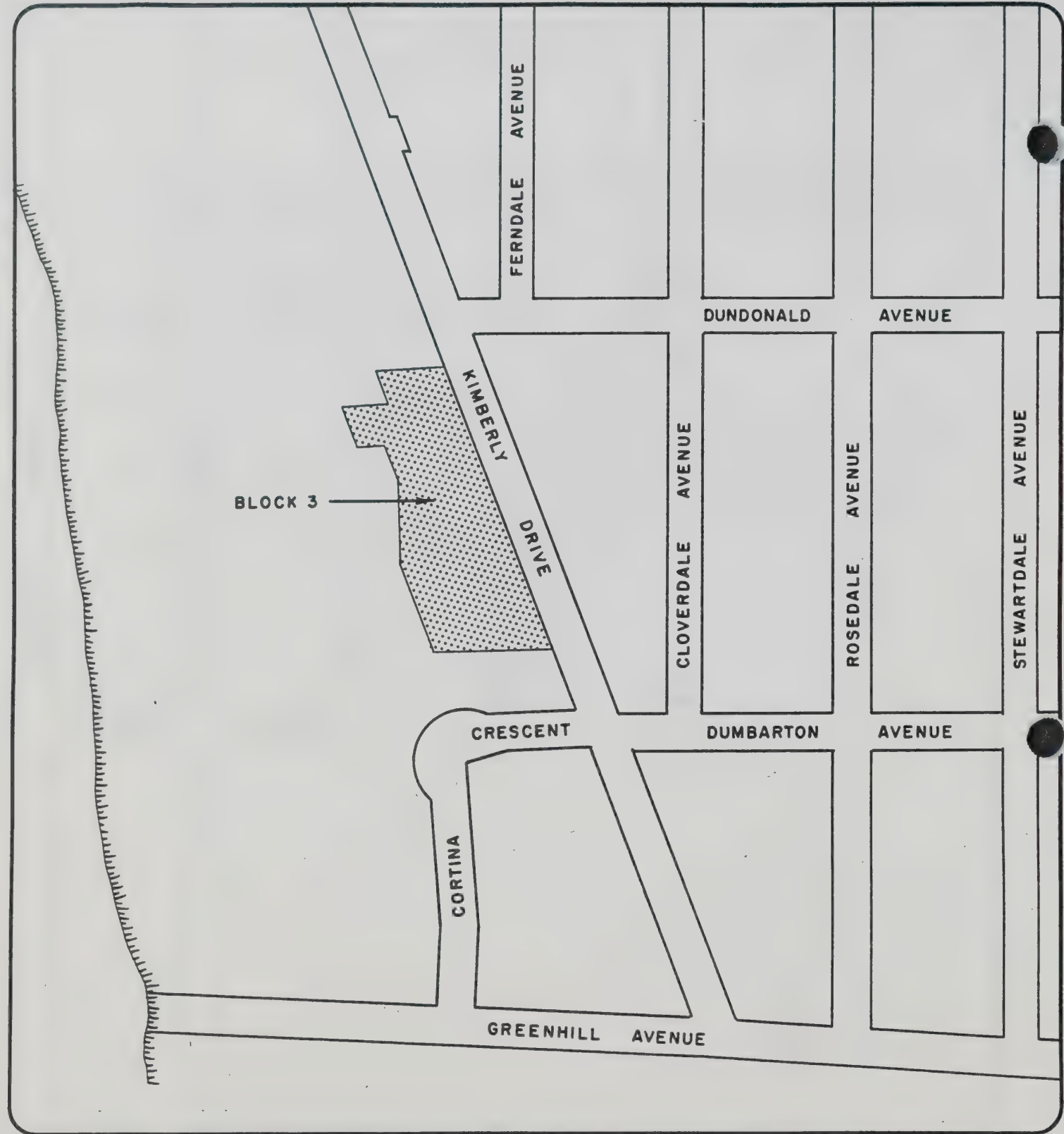


Scale
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Date
JANUARY 1996

Reference File No.
C.I. 94-H

Drawn By
Z.K.



City of Hamilton

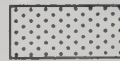
Appendix 'B'

Planning and Development Department

Legend

Change in zoning from:

BLOCK 3



"A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Residential) District, modified.

North



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Date

JANUARY 1996

Reference File No.

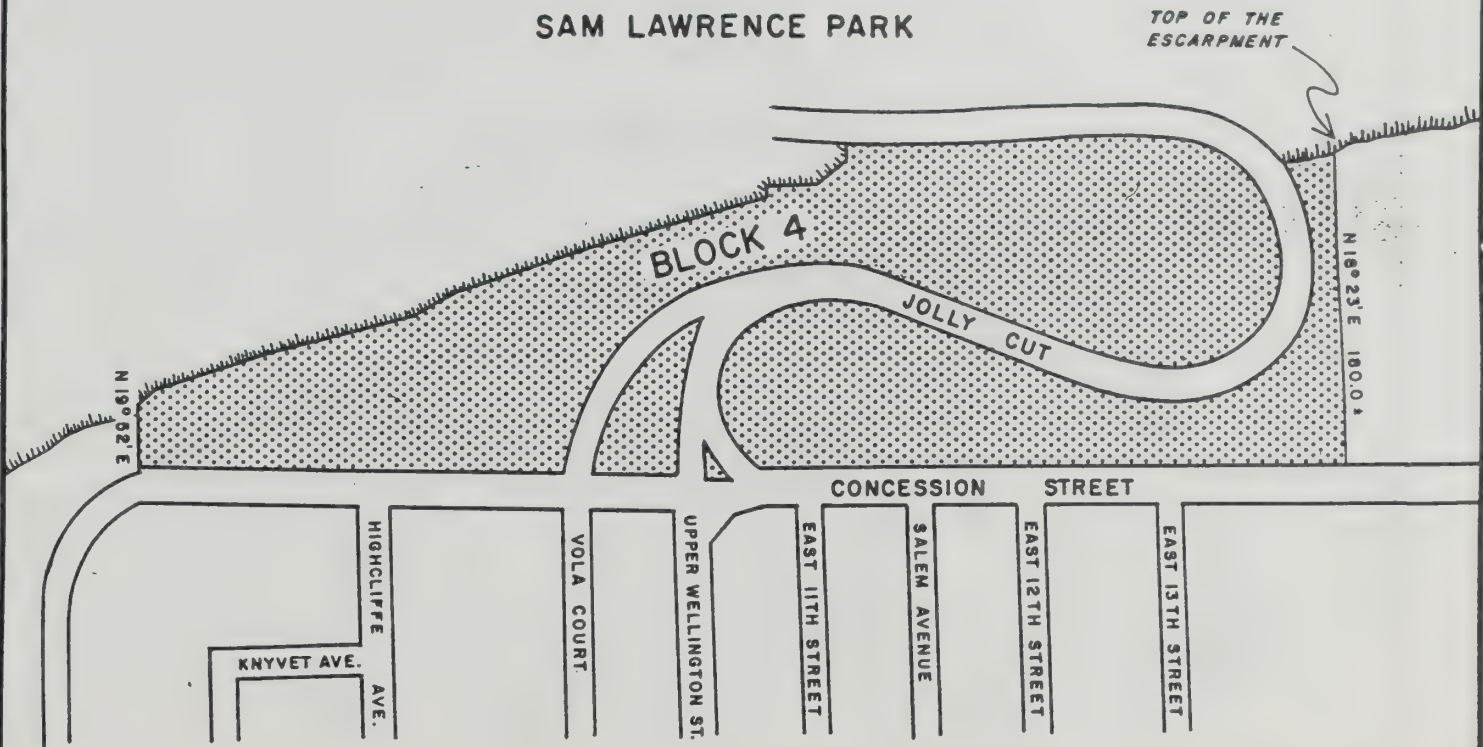
C.I. 94-H

Drawn By

Z.K.

SAM LAWRENCE PARK

TOP OF THE
ESCARPMENT



City of Hamilton

Appendix 'C'

Planning and Development Department

Legend

BLOCK 4



Modification to the "A" (Conservation, Open Space, Park and Recreation, etc.) District regulations.

North



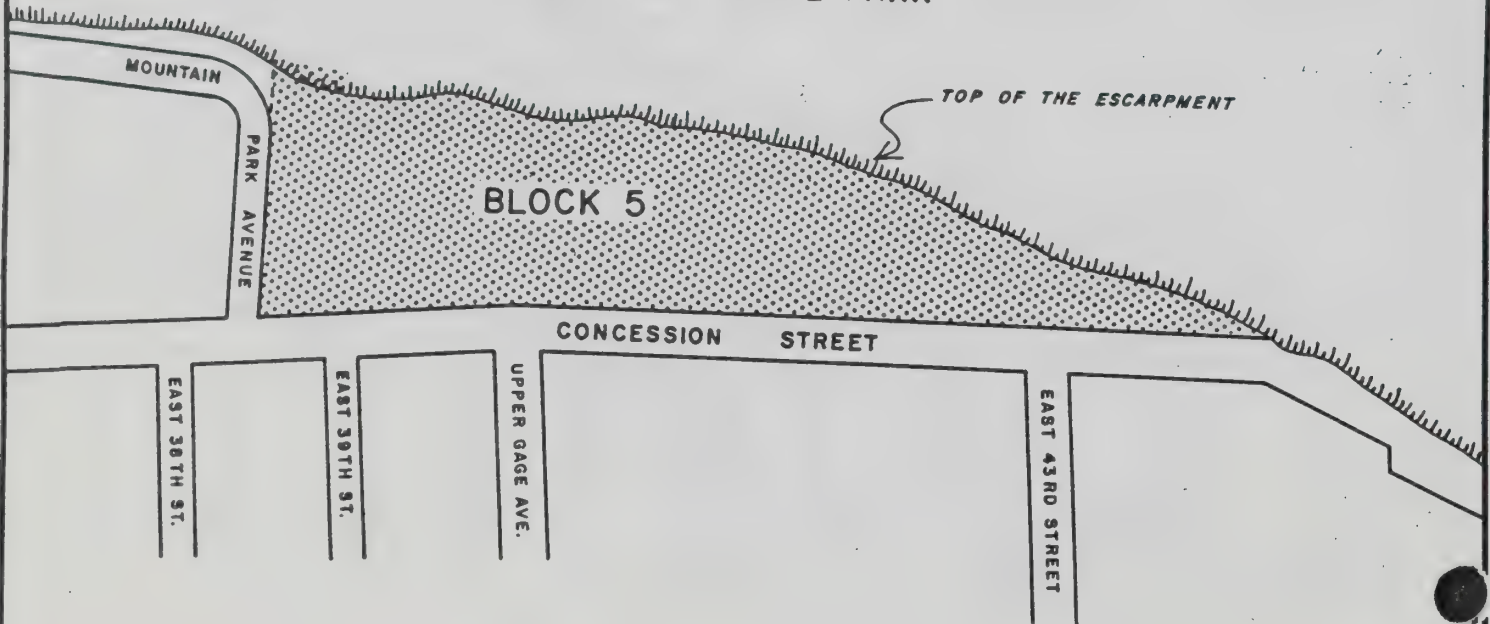
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Date
JANUARY 1996

Reference File No.
C.I. 94-H

Drawn By
Z.K.

MOUNTAIN DRIVE PARK



City of Hamilton

Appendix 'D'

Planning and Development Department

Legend

BLOCK 5



Modification to the "A" (Conservation, Open Space, Park and Recreation, etc.) District regulations.

North



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Date

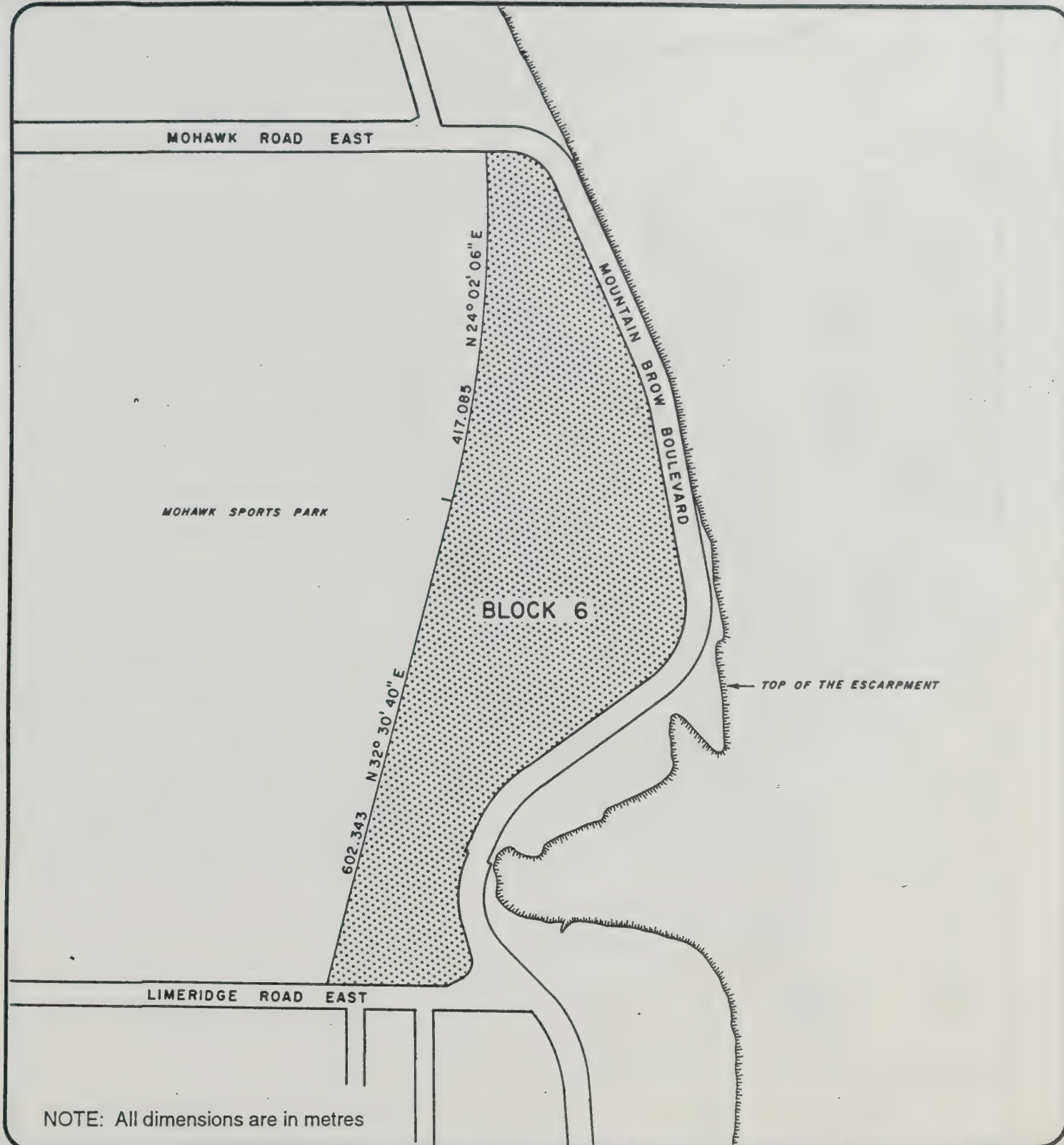
JANUARY 1996

Reference File No.

C.I. 94-H

Drawn By

Z.K.



City of Hamilton

Appendix 'E'

Planning and Development Department

Legend

BLOCK 6



Modification to the "A" (Conservation, Open Space, Park and Recreation, etc.) District regulations.

North

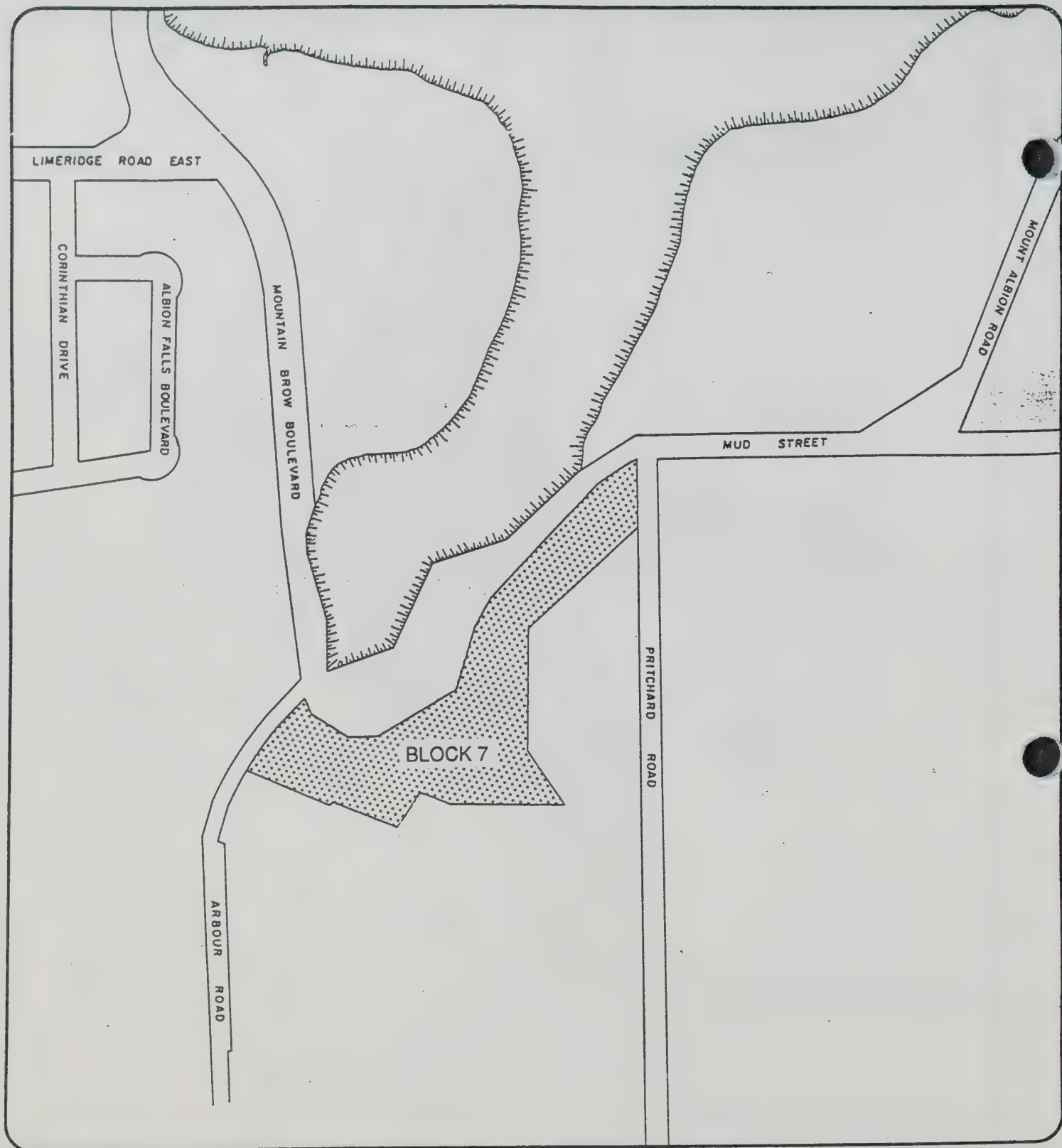


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JANUARY 1996

Reference File No.
C.I. 94-H

Drawn By
Z.K.



City of Hamilton

Appendix 'F'

Planning and Development Department

Legend

BLOCK 7



Modification to the "AA"
(Agricultural) District
regulations.

North

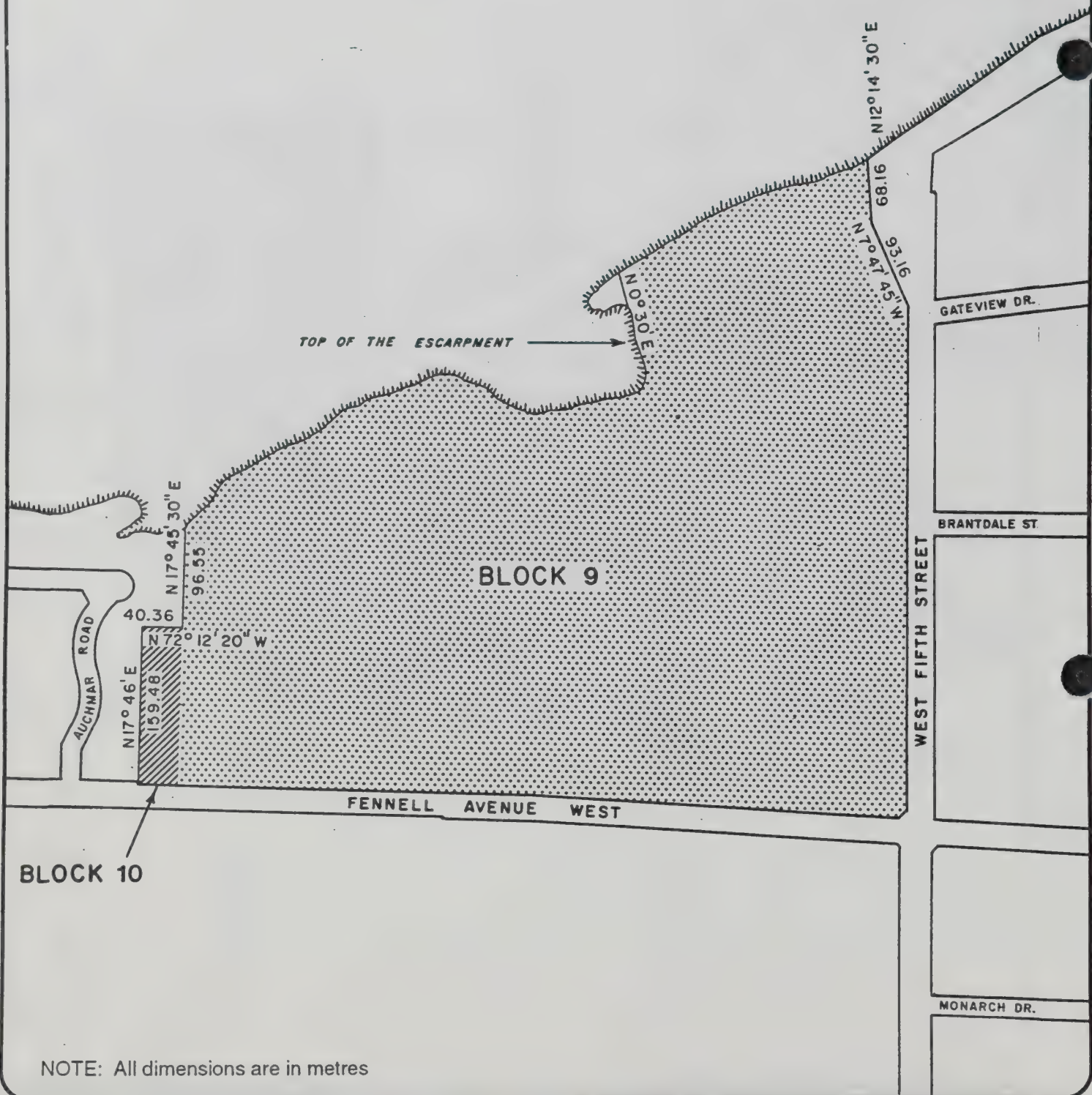


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Date
JANUARY 1996

Reference File No.
C.I. 94-H

Drawn By
R.L.



City of Hamilton

Appendix 'H'

Planning and Development Department

Legend

BLOCK 9



Modification to the "B" (Suburban Agriculture and Residential, etc.) District regulations.

BLOCK 10



Modification to the "B-1" (Suburban Agriculture and Residential, etc.) District regulations.

North

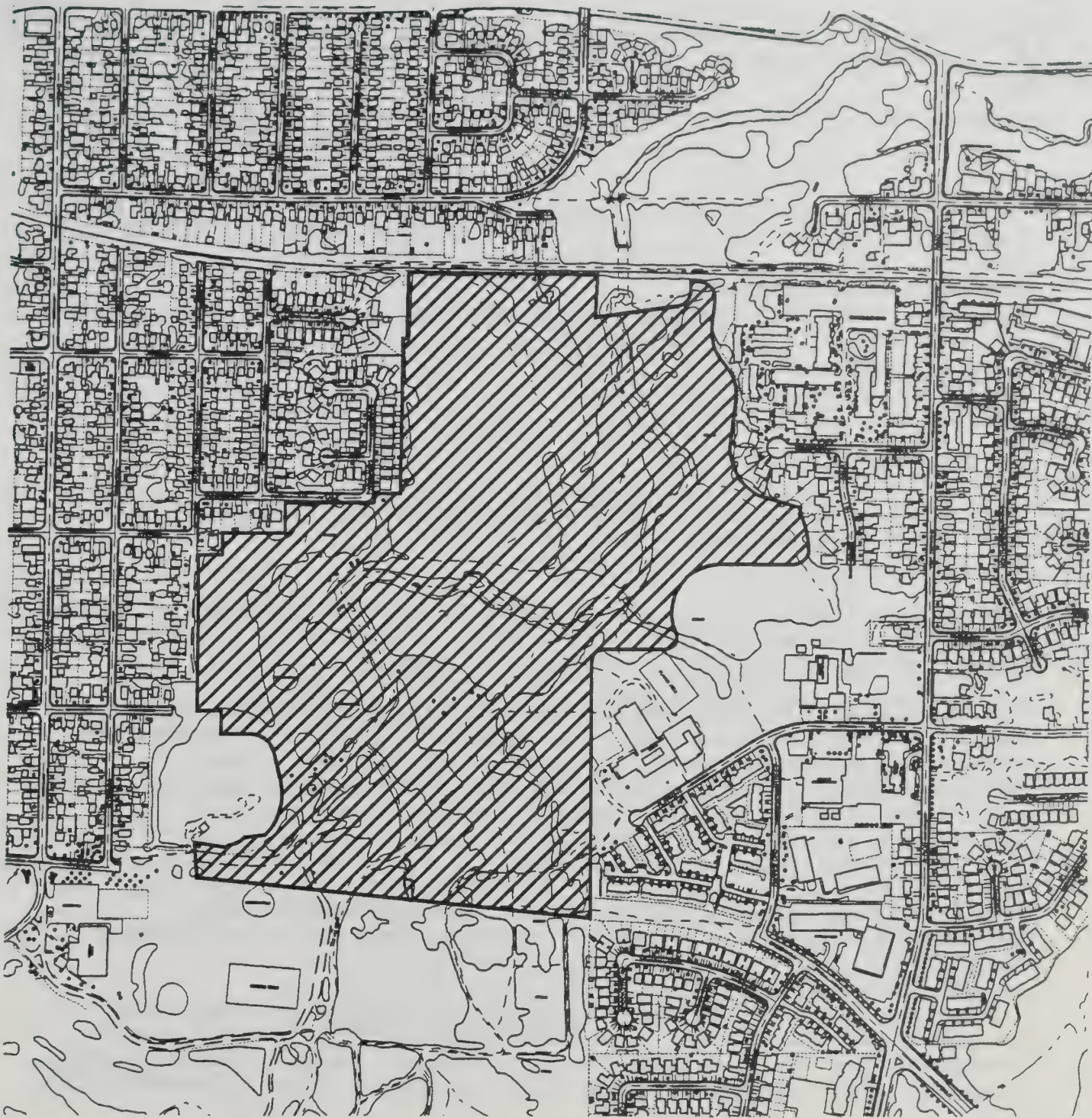


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Date
JANUARY 1996

Reference File No.
C.I. 94-H

Drawn By
Z.K.



City of Hamilton

Appendix "I"

Planning and Development Department

Legend



Lands to be placed under
"Development Control"

North



Scale

NOT TO SCALE

Date

February 1996

Reference File No.

CI94-H

Drawn By

W. B.



Ontario

Niagara
Escarpment
Commission

Commission de
l'escarpement
du Niagara

APPENDIX "J"



AREA CODE 905

166 Main Street West
Grimsby, Ontario
L3M 1S3
(416) 945-9235

166, rue Main ouest
Grimsby (Ontario)
L3M 1S3
(416) 945-9235

February 7, 1996

Ms. Joanne Hickey-Evans
Hamilton-Wentworth Planning Department
119 King St. W., 14th Floor
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Dear Ms. Evans:

**RE: Niagara Escarpment Commission Development Permit for the
Redhill Creek Expressway**

As you are likely aware, the Niagara Escarpment Commission issued Development Permit 2632/W/T/83-84/239 in May, 1987, for the construction of the Redhill Creek Expressway

The Development Permit was issued pursuant to an Order-in-Council decision which directed that the Commission issue a Development Permit for the Expressway, subject to conditions. The Order-in-Council, and decision of the Joint Board, applies to the entire Redhill Creek Expressway. The Development Permit previously issued by the Niagara Escarpment Commission, therefore, would be applicable and valid for the adjusted Development Control boundary. No new Development Permit will be required from the Niagara Escarpment Commission for the Expressway should additional lands be brought into Development Control in this area.

I trust this clarifies the relationship between the existing Development Permit and the proposed Development Control boundary modifications. Please feel free to contact either Deborah Ramsay or me if you have any questions or require further information.

Yours very truly,

K. C. Jordan
Manager, Development Control

DR/kt

c: R. Charters

CITY OF HAMILTON

- RECOMMENDATION -

2.

DATE: 1996 February 15
CI-96-B

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development
J. Pavelka, Eng.
Chief Administrative Officer

SUBJECT: City Initiative - Parking Standards for Residential
Conversions in the CBD.

RECOMMENDATION:

- (a) That approval be given to City Initiative 96-B respecting the elimination of required parking to encourage the conversion of non-residential floor space to residential uses within the CBD, on the following basis:
- (i) That Section NINETEEN - RESIDENTIAL CONVERSION REQUIREMENTS of Zoning By-law No. 6593 be amended by adding a new Section 19.(4) as follows:
- 19.(4) Notwithstanding any other provisions of this By-law, any building or portion thereof existing on the date of the passing of this by-law, located within Area "A" shown on Schedule "I", may be converted to a residential use except for a Residential Care Facility or Short-Term Care Facility, provided that the ground floor is maintained for commercial use.

BACKGROUND:

• GHDCDC

The Greater Hamilton Downtown Community Development Corporation (GHDCDC) was created to establish downtown Hamilton as the economic, cultural, social and institutional centre of the Region.

With respect to residential development, the Goals and Objectives of the GHDCDC include the following:

"3. Assist and encourage investment and development in the downtown through actions such as:

- encourage new residential development in the downtown;..."

The focus area for the Community Development Corporation is shown on APPENDIX "A".

At its meeting of January 15, 1996, the Community Development Corporation passed the following motion:

"That the Planning and Development Committee be requested to direct Planning Department staff to schedule a Public Meeting, in accordance with the requirements of the Planning Act, respecting the City Initiative to eliminate required parking for the conversion of non-residential buildings (above the ground floor) within the CBD to residential uses."

This motion was subsequently approved by the Planning and Development Committee at its meeting of January 24, 1996.

- **Mayor's Task Force on Downtown Issues and Renewal**

Given the concern over the condition of the downtown and Regional centre, the Mayor and the Downtown Task Force developed 29 initiatives aimed at revitalizing the area. At its meeting of April 6, 1994, the Planning and Development Committee approved the initiatives, including the following:

"2. That residential complexes be encouraged in all parts of the CBD - including upscale projects east of James."

In addition, the Finance and Administration Committee at its meeting of April 12, 1994, passed the following resolution:

"That the Director of Local Planning prepare a report for the consideration of the Planning and Development Committee on amending the Zoning By-law to allow as-of-right zoning in the downtown area to permit residential uses above ground level in presently zoned commercial buildings."

The boundaries for the study are highlighted on APPENDIX "B".

- **Planning Documents That Affect The Downtown**

Official Plan

The following policies are directly applicable to the above stated initiatives:

A.2.8.1 To promote the CENTRAL POLICY AREA as a multi use node for both the City and the region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary permitted uses in the CENTRAL POLICY AREA..., will be for the following reasons:

i) ... mixed commercial residential uses,...

- ii) **Residential uses of various housing types**, including but not limited to, single-family detached, semi detached, townhouses and apartments,...

In addition, the CBD is located within Special Policy Area 3

2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.2(ii);

- i) It is the intent of Council to **strengthen the Residential function of this AREA** to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;
- v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;
- vii) Council will encourage high-density Residential developments or redevelopments which utilize innovative design alternatives to the "high-rise" apartment structure, while maintaining desirable standards for bulk, setbacks and landscaping;
- viii) Council will **encourage mixed Commercial/Residential developments or redevelopments** within the Central Policy Area and Commercial areas of SPECIAL POLICY AREA 3, subject to the General Provisions of Subsection A.2.2.;
- xii) To enhance the quality of a high density Residential and Commercial/Residential development, Council may, where deemed appropriate, permit additional Residential density, where the proponent provides landscaped areas in excess of the Zoning By-law provisions, in accordance with Subsection D.3 of the Plan.

Central Area Plan (OPA #66)

There are several Policies in the Central Area Plan that support the downtown initiatives. They include:

"4.1.1 To maintain and enhance the Downtown core,..., as a regional Centre, a mix of uses will be encouraged. These uses are as follows:

ii) **Residential development for all levels of income, including mixed uses commercial/residential buildings;**

4.1.7 **Residential development will be actively encouraged** through actions taken by Council which may include special incentives, and land acquisition program as may be determined by special studies.

4.1.8 Conversion of non-residential buildings to residential uses will be encouraged, particularly, **where commercial space is underutilized, which may include upper floors of retail space.**

4.2.2 The expansion of existing... **multiple residential uses...and the establishment of new uses will be encouraged in accordance with policies relating to the compatibility section of this Plan".**

Zoning By-law

Uses

"I" District - permits residential development of all types with restrictions. Apartment buildings would be the most likely to occur in the downtown area; the number of units would be restricted by the lot size, since there is a minimum lot area requirement of 450 m², or 65 m² of lot area per unit, whichever is greater. For the most part, the second requirement would be applicable.

"CR" District - permits residential uses however it has to be in conjunction with commercial uses and the residential component cannot exceed a certain proportion of the gfa. In the "CR-1", it is 53%, "CR-2" it ranges from 23.5% to 60% and "CR-3" it ranges from 32% to 35.6%.

"HI" district - does not allow residential units unless they are in conjunction with a hotel.

"H" District - permits limited residential units on upper floors of structures. There are restrictions on the height of buildings and the number of units depending on lot area. However, stand alone multiple dwellings are not permitted.

Parking

For multiple dwellings, the parking requirement within Area "A" is 0.8 space per Class "A" dwelling unit and 1 space per Class "A" dwelling unit within Area "B" to the Zoning By-law (see APPENDIX "E"). The parking requirements for other residential uses is the same throughout the City.

- **Parking Survey**

A parking survey of ten (10) major cities across Canada was undertaken to determine if residential development was permitted in their CBD's, and what the parking requirements were (see APPENDIX "C").

Four (4) of the ten (10) respondents (Halifax, London, Regina and St. John's) have no parking requirement for residential development in the CBD. Two (2) other Cities (Winnipeg and Vancouver) have no parking requirement or reduced standards for Historic buildings and/or districts. The remaining four (4) cities (Calgary, Montreal, Ottawa and Thunder Bay) have requirements ranging from a minimum of 0.5 space/unit to a maximum of 2.0 spaces/unit.

Two of the Cities (London and Regina) have recently undertaken initiatives to promote the revitalization of their CBD's. Among other actions, the elimination of required parking for residential development was adopted.

- **By-law No. 83-86**

In 1983, the Planning Department undertook an initiative to facilitate the reuse of vacant commercial buildings in the "H" District, primarily along Barton Street.

The purpose of the By-law is to permit the conversion of any building or portion thereof, existing on the 8th day of March 1983, within an "H" District to a maximum of 10 dwelling units **without parking**, provided that:

- all units are at least 65 m² in area;
- converted buildings shall have a minimum radial separation distance of 180m; and
- the ground floor is maintained for commercial use with required parking.

Based on Building Department records, 30 buildings have been converted since 1983 for a total of 109 units.

COMMENT:

Over the last several years the CBD has experienced an economic decline, as evidenced by the number of vacancies and building demolitions, particularly along the King Street and James Street corridors.

In response, the GHDCDC and the Mayor's Task Force on Downtown Issues and Renewal have developed initiatives aimed at revitalizing the area. One common objective is to **encourage residential development**.

Within the CBD, the various zoning districts (e.g. "I", "CR", "HI", "H") permit residential development to various degrees, subject to the provision of parking. In this regard, parking for Commercial, Public and Institutional uses are **reduced** (see APPENDIX "D" - AREA "B") or **not required** (see APPENDIX "D" - AREA "A"), whereas it is only **reduced** for Residential development (see APPENDIX "E" - AREA "A" 0.8 space/unit - AREA "A" 1.0 space/unit vs. 1.25 spaces/unit).

Although the reduced standards for multiple residential uses may be an incentive for new development, it has been cited as a deterrent for the conversion of existing building stock. More specifically, most of the vacant commercial buildings in the CBD were built without the provision of parking. Consequently, even reduced standards become an impediment to residential conversion.

From a Planning perspective, it would be appropriate to eliminate the parking requirement for residential conversions where they occur within the same area that they are eliminated for Commercial, Public and Institutional uses (see APPENDIX "D" - AREA "A"). This initiative is supported by the following factors:

- **Planning Policies**

The thrust of current planning policy is to **"strengthen the residential function of this AREA"** (Official Plan policy 2.9.3.1 i)); to encourage residential conversions, particularly **"where commercial space is underutilized, which may include upper floors of retail space"** (Central Area Plan policy 4.1.8); and to actively encourage residential development **"through actions taken by Council which may include special incentives"** (Central Area Plan policy 4.1.7).

- **Accessibility to Transit and Parking**

The subject area has access to a high level of transit service, and is readily accessible from both public and private parking lots.

With respect to the availability of parking, staff undertook an inventory of parking lots in the CBD as part of a study in 1994 respecting the parking standards for commercial development in the CBD. The findings are summarized as follows:

	<u>No. of Lots</u>	<u>No. of Spaces</u>
Public Parking	22	3,563
Private Parking	68	7,368
TOTAL	<u>90</u>	<u>10,931</u>

The inventory was carried out during normal business hours, and it was observed that approximately 1/2 of the available spaces were utilized.

- **Location**

The boundaries for the proposed "O" parking area (see APPENDIX "D" - AREA "A"), includes both the focus area for the Community Development Corporation (see APPENDIX "A") and the study area for the Mayor's Task Force on Downtown Issues and Renewal (see APPENDIX "B").

- **Sustainable Development**

The establishment of a "O" parking area as an incentive to encourage the residential conversion of non-residential floor space in the CBD, would be supportive of the goals and strategies respecting the implementation of **Vision 2020**.

With respect to **Our Communities** (ie. land use), the goals of Vision 2020 include:

- **To encourage only that development which makes efficient, and economical use of infrastructure and services.**
- **To encourage redevelopment of Hamilton's central core as the regional centre.**
- **To preserve the ... historical heritage of the region.**
- **To reduce commuting distances.**

Furthermore, strategies include:

- **Develop in cooperation with the Area Municipalities, an initiative to encourage increased residential development above commercial strips along transit corridors.**

- **Parking Policy Trends**

Based on the findings of our survey (see BACKGROUND - **Parking Survey**), it would appear that current Parking Policy Trends are intended to reduce parking requirements for residential uses within CBD's, and to promote public transit usage. This is further substantiated by the following excerpt from the report "**PARKING IN DOWNTOWN ONTARIO**", printed by Ontario Downtowns in 1989:

"...The major policy trend today is to reduce the amount of parking required for new downtown development. This may be to attract new developments and to achieve a more compact land use in the centre.

Many mid- and large-sized municipalities, which have parking requirements in their zoning by-laws pertaining to downtown, have reduced the standards for the downtown or have provided for greater flexibility in the amount or type of parking..."

- **Preservation of Building Stock**

The subject area is rich with buildings that are either designated or listed as being of architectural or historical significance. Approval of this initiative may assist the City in its objectives of historical preservation.

- **Market Conditions**

Regardless of whether or not there is a parking requirement for this area, it has been our experience that developers will provide parking to satisfy market conditions.

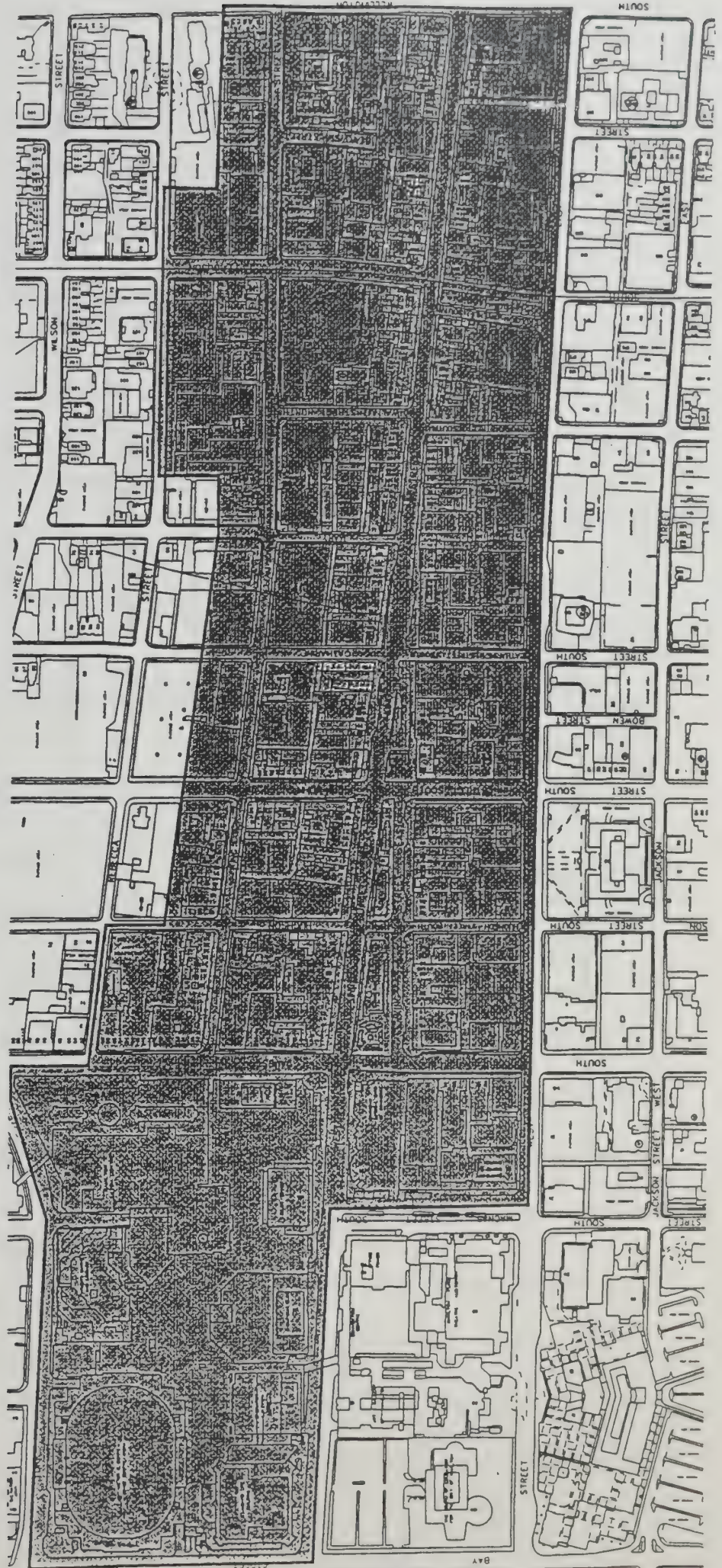
Considering that Residential Care Facilities and Short-Term Care Facilities are Residential uses under the zoning by-law, and are subject to capacity and a minimum radial separation distance requirement, it would be appropriate to exclude them from this initiative.

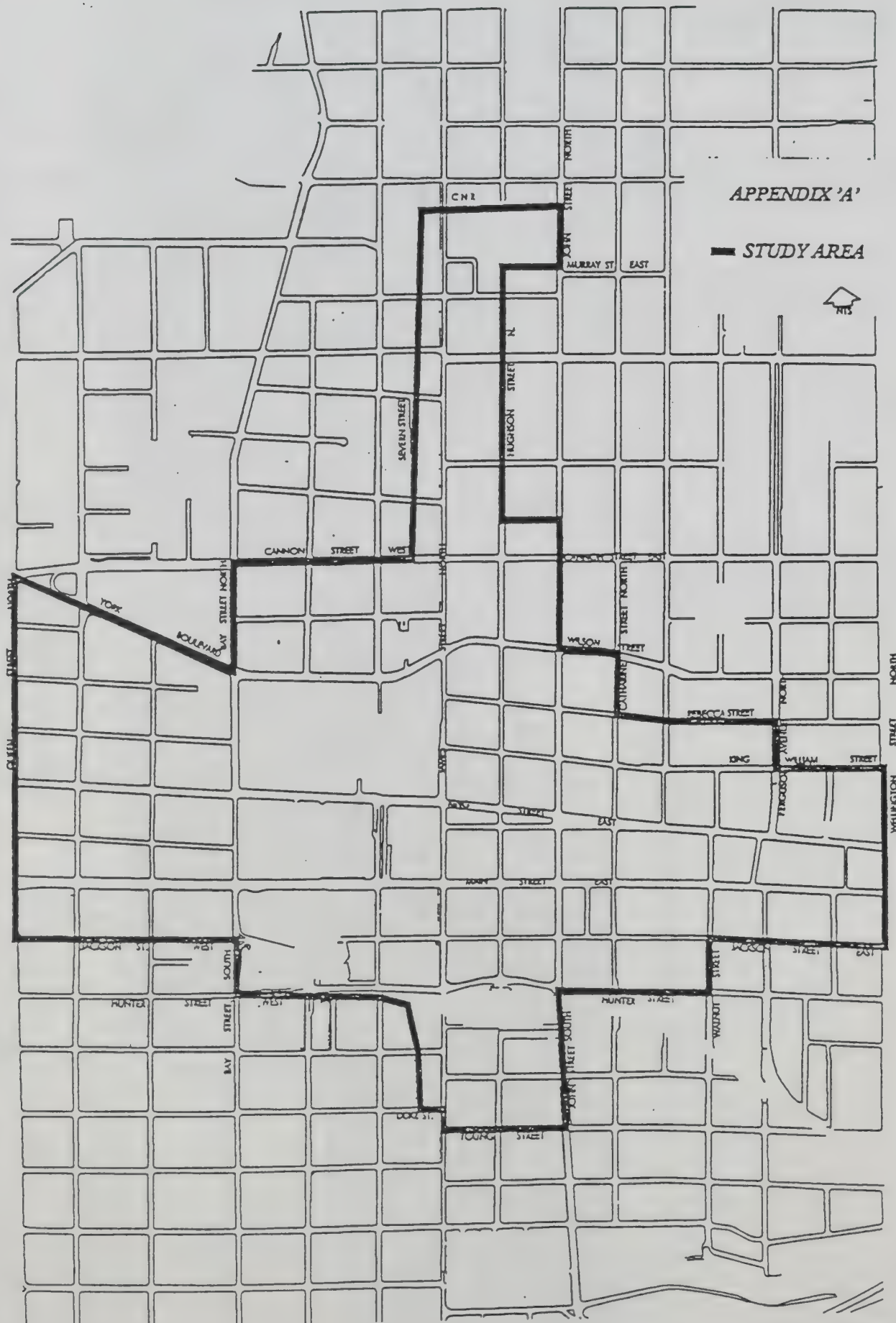
This report has been prepared in consultation with the Building Department, Roads Department and Traffic Division. In this regard, only the Traffic Division is opposed to the proposed elimination of required parking (see attached letter - APPENDIX "F").

CONCLUSION:

On the basis of the foregoing, it would be appropriate to amend Zoning By-law No. 6593 to **encourage the conversion of non-residential floor space to residential uses in the CBD**, by eliminating required parking, provided that the ground floor is maintained for commercial use.

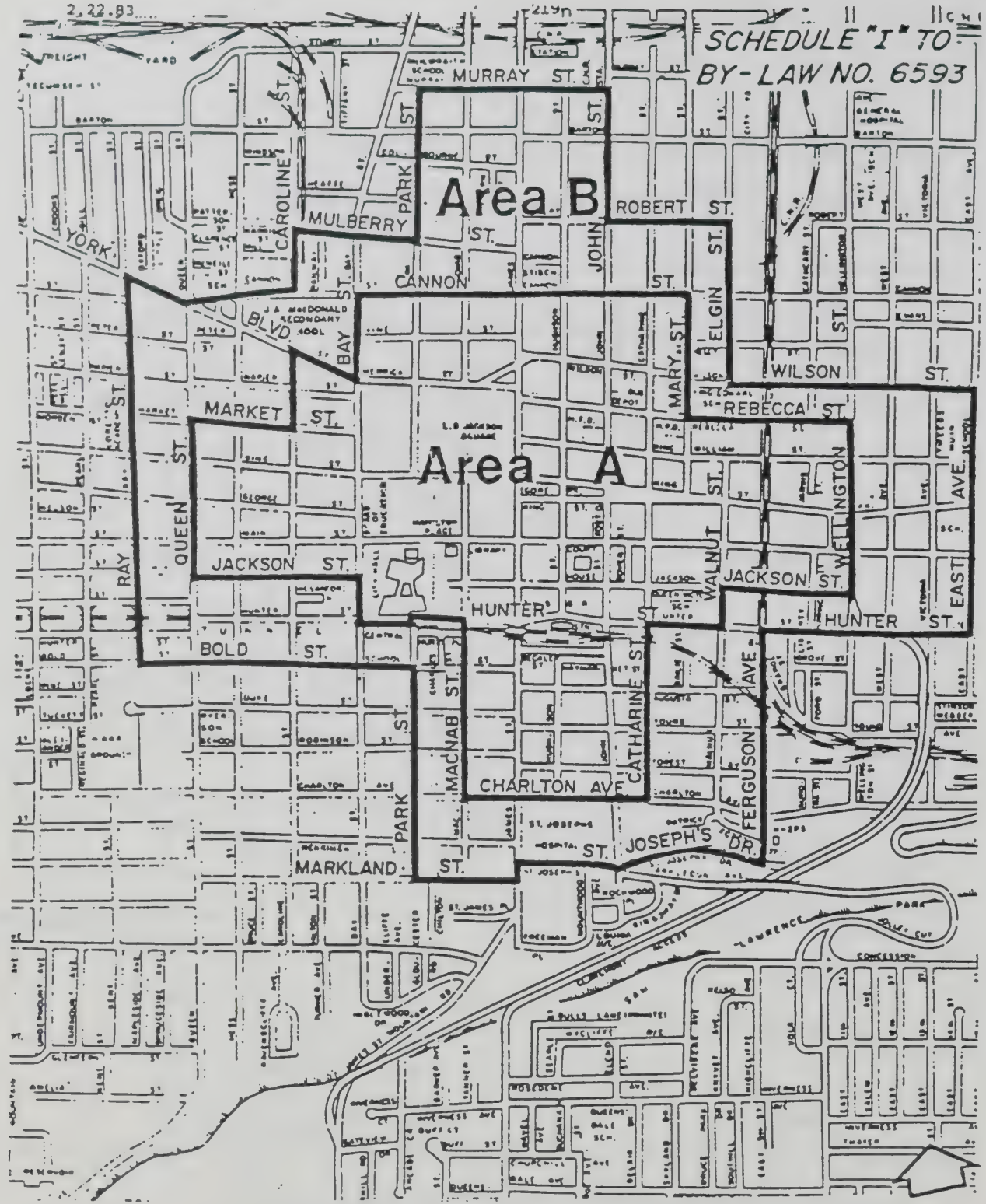
COMMUNITY DEVELOPMENT CORPORATION FOCUS AREA





CITY	REQUIREMENT
Thunder Bay	1.5 spaces/unit (no loading space)
Halifax	no requirement
St. John's	no requirement
London	no requirement
Vancouver	no requirement - listed Heritage building
	0.5 to 1.0 space/unit - Downtown South
	max. 0.6 spaces/unit and one additional space for each 100 m ² of g.f.a., or 2.3 spaces/unit whichever is less
Calgary	min. 0.5 to a max. 1.0 spaces/unit
Regina	no requirement
Winnipeg	1 space/2 units, except in riverbank areas and Historic and Chinatown areas no requirement
Ottawa	min. 0.5 spaces/unit max. 2.0 spaces/unit
Montreal	.25 to 1.25 spaces/unit

**SCHEDULE "I" TO
BY-LAW NO. 6593**



LEGEND

— Delineates boundary of those areas in which parking for Commercial, Public and Institutional uses are reduced or not required

Bill No. D-33

This is Schedule "A1" to By-law No. 63-66 passed the 22nd day of February, 1983.

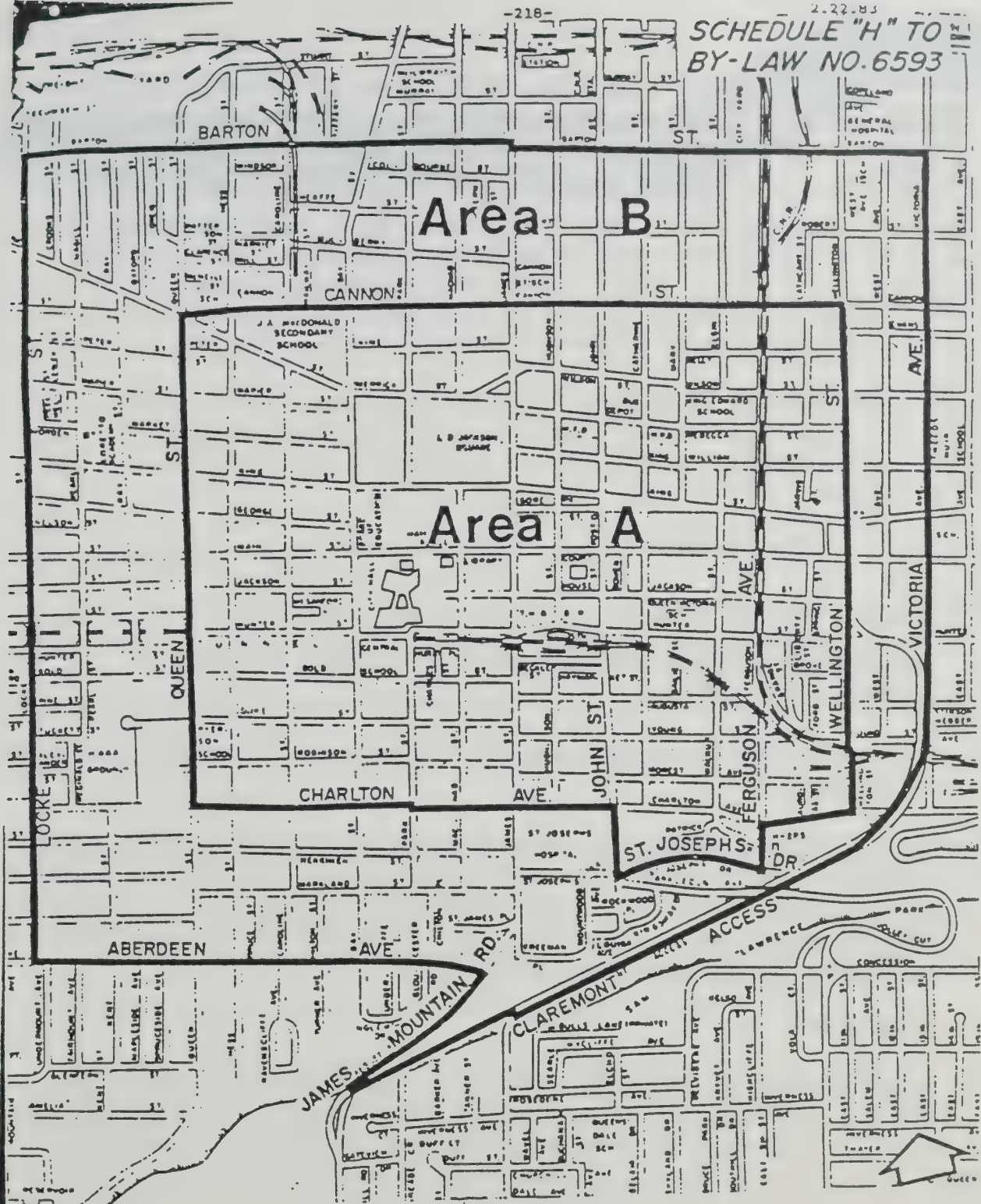
THE CORPORATION OF THE CITY OF HAMILTON

E.A. Lupton
City Clerk

Mayor
Mayor

APPENDIX D-1

SCHEDULE "H" TO
BY-LAW NO. 6593



LEGEND

— Delineates boundary of those areas in which parking requirements for Multiple Residential uses are reduced.

Bill No. D-33

This is Schedule "A" to By-law No. 83-66 passed the 22nd day of February, 1983.

[Signature]
City Clerk

THE CORPORATION OF THE CITY OF HAMILTON
[Signature]
Mayor

APPENDIX E

FEB 14 1996



DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

City of
HAMILTON

TRAFFIC DIVISION

1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1996 February 14

Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director
Planning & Development
City of Hamilton

Attention: Mr. Paul Mallard

Dear Sirs:

**Re: Proposed Changes to Parking Standards for Residential Conversions
within the CBD - CI-96-B**

Thank you for your letter, dated 1996 January 16. In response to this circulation, we offer the following comments.

Please be advised that we are opposed to the complete elimination of required parking within the CBD for residential conversions. Having stated this position, it should also be clearly understood that we fully support the encouragement of residential uses within the CBD. It is our position that these two statements are not contradictory. We would further suggest that your draft report fails to justify the proposed recommendation and confuses the above issues.

Background Section

The background section refers to the Mayor's Task Force on Downtown Issues and Renewal, and then refers to two resolutions from the Planning and Development Committee and the Finance and Administration Committee. These resolutions direct the Director of Local Planning to prepare a report to consider allowing as-of-right zoning to permit residential conversion and does not direct the review of parking requirements. In a latter section, several existing limitations on conversions are identified within the existing zoning by-law but the report fails to examine any of these factors except for parking. We would submit that some of these other factors would appear to have a much greater impact on downtown conversion than does the existing parking requirements.

All of the quoted planning documents within the next portion of the report support the provision of residential uses within the downtown area. We fully support and encourage all of these provisions. Nowhere, however, do these policies identify parking provisions as a concern or problem.



APPENDIX F-3

Parking Survey

The presentation of this survey data appears to be somewhat misleading. Our review of these results would be that four of the ten cities surveyed have no parking requirements for residential uses within their CBD's and that two of these four are recent changes. The other six, a majority of the survey, do require parking and at rates similar to those required in our existing by-law. Assuming for the moment that these cities are in fact comparable to Hamilton, it therefore appears we are currently in agreement with the majority of the surveying cities.

With regards to the issues surrounding "Heritage" buildings, we have always been prepared to examine the merits of specific proposals on a site specific basis and will continue to do this. This initiative would however remove our ability to do this type of assessment and we therefore cannot support it.

By-law No. 83-86

Specific reference is made to this By-law modification along Barton Street. No discussion of alternatives is given in this report similar in direction to this existing By-law. Why?

Comments Section

The comments provided within the section provide a very simplistic review of a number of much more complex issues.

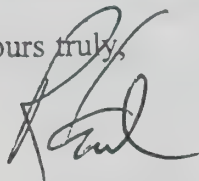
The parallels drawn between the requirements for downtown commercial parking and residential parking make no sense. These are vastly different areas which just happen to result in a common requirement, a parking space. The reasoning behind the parking requirements and any reductions within the downtown area for these two different generators are not connected. This premise has long been recognized within our own Zoning By-law and within other policies such as the Cash-in-Lieu of Parking Policy which applies to commercial uses only.

The information provided with respect to your 1994 Parking Survey is also highly misinforming. Generally, these parking spaces are of a "temporary" nature only and do not provide the type of parking needed to support residential uses. We would also request the opportunity of reviewing the details of your study because we would suspect that it fails to take into account factors such as location and peaking requirements associated with parking use. A detailed study conducted on behalf of the Parking Authority in 1989 had recommended an increase in parking inventory in the immediate area of City Hall.

The remainder of the report presents a number of planning policies with respect to encouraging residential uses within the downtown and the reduction of parking requirements within the CBD. As stated previously, we fully support these policies but do not support this proposed conclusion. In addition, the City of Hamilton already provides for a reduction in residential parking requirements within the CBD. We would therefore submit that we have been ahead of the trends suggested within the report.

In summary, the report fails to provide any justification which would support this recommendation. While we fully support and encourage the provision of residential use within the CBD, we are opposed to this proposed elimination of required parking. Individual proposals should be evaluated based on their specific merits.

Yours truly,

A handwritten signature in black ink, appearing to read 'R. Karl', written over the words 'Yours truly,'.

R. Karl, P. Eng.
Manager of Traffic Planning

RK/ca

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 12
(SE-95-001)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application SE 95-001 -
297-301 Mary Street, Beasley Neighbourhood

RECOMMENDATION:

1. That approval be given to Application SE-95-001 under the Rental Housing Protection Act, Mary Jazvac, owner, to sever the land, which contains a two-family dwelling and a twelve (12) unit apartment building into separate parcels, for the property located at 297-301 Mary Street, subject to the following conditions:
 - a) That the owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.
2. That upon satisfaction of the above noted condition, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.


FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner

Mary Jazvac, owner.

Existing Buildings

The subject property is comprised of:

- one apartment building, three storeys in height, with a total of twelve units. The building was constructed in 1962. All units are one bedrooms; and,
- one two-family dwelling with two, one bedroom units.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the properties at 297-301 Mary Street was submitted to the City on December 14, 1995. The subject property is shown on the attached key map. The proposal is to sever one property into two individual parcels. One parcel will contain a twelve (12) unit rental apartment and the other parcel will contain a two-family dwelling. The owner wishes to sever the property so she may sell the properties separately.

The units contained within the two buildings will remain as rental units.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 297-301 Mary Street are subject to the Act since the applicant intends to sever the property into two separate parcels and one of the buildings contain more than four rental apartment units.

The Act notes that council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

- i) the building is structurally unsound;
- ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
- iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to sever the property. Criteria ii) is not applicable as the applicant is retaining the existing rental units. Therefore, criteria iii) applies to the application. Council may approve this application if the proposal does not constitute an adverse effect on the supply of affordable rental housing in Hamilton. Since the buildings will remain as rental units, the impact on the supply of affordable rental housing is not a concern.

CONDITIONS OF APPROVAL:

During the circularization of the application to various City Departments, it was indicated the property owner is in tax arrears. Therefore, it would be appropriate to pay all outstanding taxes **prior** to the issuance of the RHPA Certificate of Approval. This condition is similar to other applications previously approved under the RHPA process.

SUMMARY

Since the owner is retaining these fourteen units as rental units, there is not affect on the supply of affordable rental housing.

For the information of the Committee, there are Committee of Adjustment and Land Severance applications that have been tabled pending the outcome of the RHPA process.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

JHE/



City of Hamilton

Key Map

Rental Housing Protection Act

297-301 Mary Street

Planning and Development Department

Legend



Location of Subject Lands.

North



Scale
Not to Scale

Date
JANUARY 1996

Reference File No.
SE-95-001

Drawn By
R.L.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 12
ZAC-95-32
Allison Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

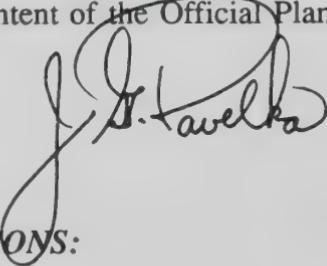
J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for rezoning - 30 Rymal Road East

RECOMMENDATION:

- a) That Zoning Application ZAC-95-32, Peter Hatzoglou, Peter and John Zourntos, Aiden Tuite and Philip Mancini, owners, requesting an Official Plan amendment to delete Special Policy Area 46, and a change in zoning from "G-4" (Designed Neighbourhood Shopping Centre) District modified, to "HH" (Restricted Community Shopping and Commercial) District, in an established commercial plaza, for property located at 30 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:
- i) It conflicts with the intent of the Official Plan and the approved Allison Neighbourhood Plan;
 - ii) It conflicts with intent of By-law No. 89-246 which rezoned the subject lands to "G-4" (Designed Neighbourhood Shopping Centre) District, modified which specifically limits the commercial uses to those only of a neighbourhood nature and prohibits high traffic generators;
 - iii) It conflicts with established Council policy not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy; and,

- iv) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and zoning by-law.

 
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting an Official Plan amendment to delete Special Policy Area 46 and a change in zoning from "G-4" (Designed Neighbourhood Shopping Area) District, modified to "HH" (Restricted Community Shopping and Commercial) District to permit a wide range of highway commercial type uses for an existing commercial plaza.

- Zoning Application ZAC-95-05

City Council, on May 30, 1995, denied ZAC-95-05 for an amendment to the Official Plan and a further modification to the "G-4" District regulations to permit an expanded range of permitted commercial uses on the following basis:

- *it conflicts with the intent of the Official Plan and the approved Allison Neighbourhood Plan;*
- *it conflicts with intent of By-law No. 89-246 which rezoned the subject lands to "G-4" (Designed Neighbourhood Shopping Centre) District, modified which specifically limits the commercial uses to those only of a neighbourhood nature and prohibits high traffic generators; and,*
- *approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and zoning by-law.*

- Zoning Application ZA-91-26

City Council, at their meeting of August 27, 1991, denied ZA-91-26 for an amendment to the Official Plan and a further modification to the "G-4" District regulations to permit a submarine and donut shop within the existing plaza on the following basis:

- "(a) *That it conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan which prohibit high traffic generating type uses (i.e. restaurants, places of assembly, etc.);*
- (b) *That it conflicts with established policy of the Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy; and,*
- (c) *That approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law."*

- Zoning Application ZA-90-56

City Council, at its meeting of October 9, 1990, denied an Official Plan amendment and zoning by-law amendment application to permit a maximum of three (3) restaurants within the existing shopping plaza on the following basis:

- "(a) *It conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan.*
- (b) *It conflicts with established policy of the Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy.*
- (c) *It represents an over intensification of land use in that 60% of the plaza would be devoted to restaurant uses (2 or 3 separate restaurants)...the proposed restaurant uses will result in spill over parking and associated traffic movements onto the adjacent residential areas which is undesirable.*
- (d) *Approval of the application would encourage other similar applications which if approved, would undermine the intent of the Official Plan and Zoning By-law."*

- Official Plan Amendment No. 76

City Council, on May 9, 1989, adopted Official Plan Amendment No. 76 which redesignated the subject lands from **Residential** to **Commercial**, and established Special Policy Area 46. The effect of the Special Policy Area is to prohibit high traffic generating type uses (i.e. restaurants), and to prohibit vehicular access to and from Ryckman Street.

- By-law No. 89-246

City Council, on August 29, 1989, passed By-law No. 89-246 which rezoned the subject lands from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District, modified to prohibit a restaurant or refreshment room. Other modifications were made to require additional landscaping and buffering, and prohibit vehicular access to Ryckman Street, to mitigate negative spillover effects on adjacent residential uses.

- Zoning Application ZA-86-29

City Council, at its meeting of June 24, 1986, denied ZA-86-29 for an Official Plan amendment and change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, to permit ground floor commercial and 16 apartment units on the second floor.

- Zoning Application ZA-84-80

City Council, at its meeting of February 26, 1985, denied ZA-84-80 for an Official Plan amendment and a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for a commercial shopping plaza.

APPLICANT:

Peter Hatzoglou, Peter and John Zourntos, Aiden Tuite and Philip Mancini, owners.

LOT SIZE AND AREA:

The subject lands have:

- a lot frontage of 88.142 m (289.18 feet) on Rymal Road;
- a lot depth of 59.5 m (195.21 feet); and,
- a lot area of 6,045.75 m² (65,078 square feet).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Shopping Plaza	" G - 4 " (D e s i g n e d Neighbourhood Shopping Area) District, modified
<u>Surrounding Lands</u>		
to the north	Automotive repair shop and automotive dealership	"HH" (Restricted Community Shopping and Commercial, etc.) District, modified
to the south and east	single family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
to the west	McDonald's restaurant and gas bar	"HH" (Restricted Community Shopping and Commercial, etc.) District and "G-1" (Designed Shopping Centre) District

OFFICIAL PLAN:

The subject lands are designated **Commercial** on Schedule "A" - Land Use Concept of the Official Plan and located within Special Policy Area 46 on Schedule "B" - Special Policy Areas. The following policies, among others, apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as **COMMERCIAL** will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.8 Council recognizes **SHOPPING CENTRES** as appropriate forms of Commercial development necessary to the economic health of the City and Region. In this regard, Council will utilize the following classifications of **SHOPPING CENTRES**, where applicable, in the preparation of Neighbourhood Plans:
- iv) A Neighbourhood **SHOPPING CENTRE** will have a gross floor area of 2,000 square metres to a maximum of 14,000 square metres;

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.9.3.41 Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule 'B' - Special Policy Areas, as SPECIAL POLICY AREA 46, and located at the south-west corner of Rymal Road East and Ryckman Street, high traffic generating uses, such as, restaurants, will be prohibited. Further, vehicular access on to Ryckman Street from the affected lands will be prohibited."

The proposal does not comply with the intent of the Official Plan. If the application is approved, an amendment would be required to delete Special Policy Area 46.

NEIGHBOURHOOD PLAN:

The approved Allison Neighbourhood Plan designates the subject lands "Neighbourhood Commercial (No High Traffic Generators)". Approval of this application will require a redesignation to "Commercial".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Traffic Department have advised they have no objections.
- The Building Department advises:
 - "1. It is recommended that the special requirements of the existing By-Law 89-246 still be applicable.

2. Due to the differences of the provisions of the zoning district with respect to building uses, heights and yards, these restrictions may be required to be included in the zoning amendment."

- The Roads Department advises:

"There are public watermains available on Rymal Road East to provide service to the subject property. Storm and sanitary sewers are also available on Rymal Road East abutting the property. From a servicing point of view there is no objection to the zoning change.

Transportation's Comments

We have reviewed the above application and submit the following comments:

- (1) The Region has previously acquired the required road allowance widenings on Rymal Road by Instrument No. 410302 C.D. Therefore we do not anticipate any further road allowance widenings at this time.
- (2) In the absence of any details shown we advise that any works which may occur within the Rymal Road road allowance, as widened, or in the Rykmans Street road allowance must conform to the respective Streets By-Law."

COMMENTS:

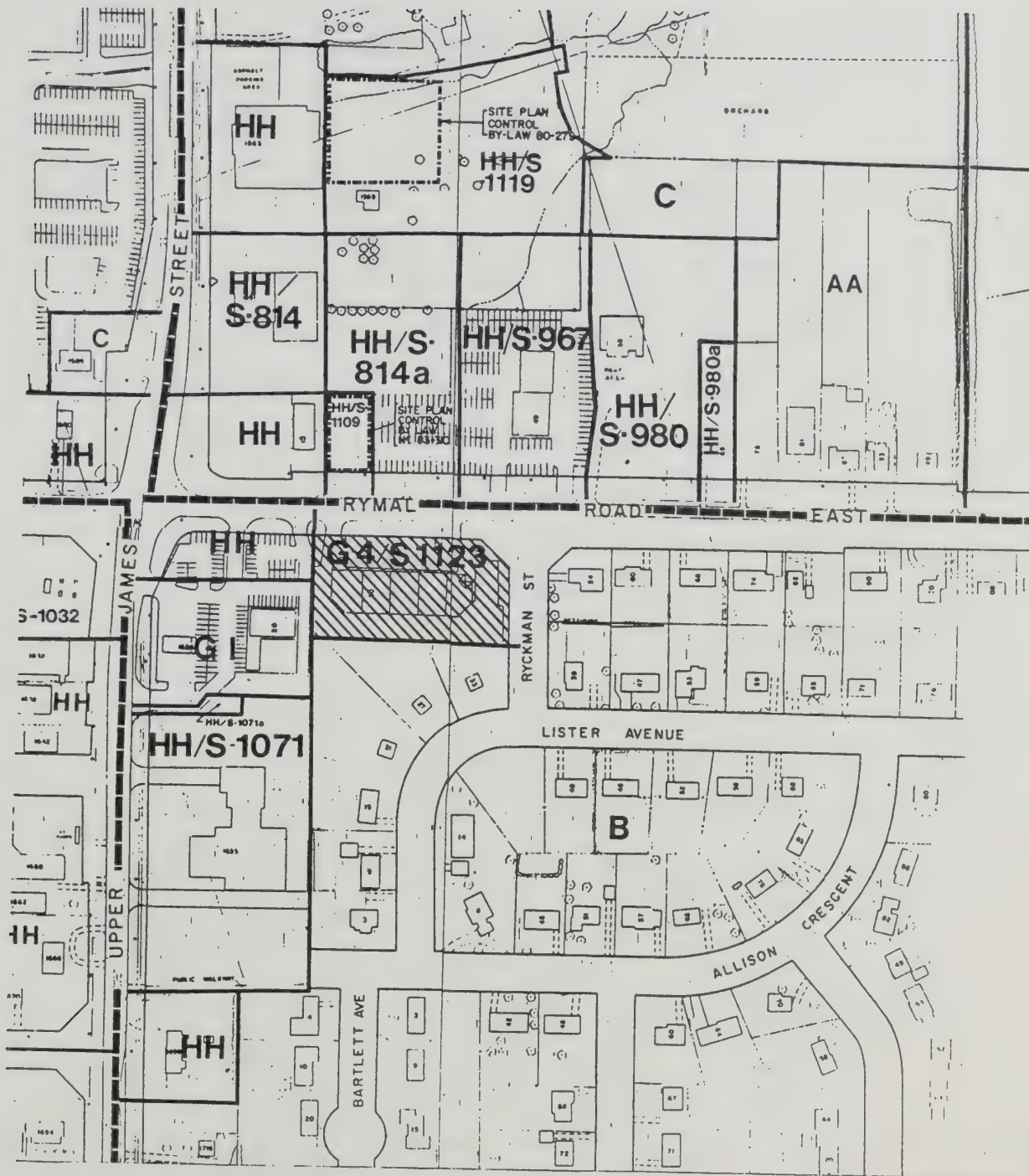
1. The proposal conflicts with both the Official Plan and the approved Allison Neighbourhood Plan.
2. The intent of Official Plan Amendment No. 76 and By-law No. 89-246 is to specifically recognize the subject lands for a neighbourhood shopping centre with no provision for high traffic generating uses (ie. restaurants, places of assembly, etc.). In this regard, the subject lands are located at the entrance of a low density single-family neighbourhood and, as such provide an appropriate location for a neighbourhood-based retail plaza as presently exists. On this basis, the proposal conflicts with Council policy to prohibit high traffic generating uses in this location.
3. The "HH" District permits a wide range of highway commercial uses such as restaurants, billiard halls, penny arcades, public halls, liquor/beer stores, etc. Such uses are highway-oriented and are high traffic generators. In this regard, spill-over effects (traffic, noise, odours, etc.) may negatively impact on adjacent residential uses. Such uses are not neighbourhood-based retail uses, and are more suitably located and are permitted on the "HH" (Restricted Community Shopping and Commercial, etc.) District and the "G-1"

(Designed Neighbourhood Shopping Centre) District, modified lands to the north and west.

4. The subject lands were originally designated "Residential" in the Official Plan and zoned "B-2" (Suburban Agriculture and Residential, etc.) District. The owners applied unsuccessfully on two occasions to have the property rezoned to commercial (ZA-84-80 and ZA-86-29). The third application (ZA-88-46) was to rezone the lands "G-4" (Designed Neighbourhood Shopping Area) District. This proposal was denied, but approval was granted for a "G-4" District modified, specifically to prohibit high traffic generating uses (eg. restaurants) given the proximity of adjacent residential uses. Subsequently, the owners have made two applications to rezone the lands to: permit 3 restaurants uses (ZA-90-56); permit a submarine and donut shop with limited areas (ZA-91-26); and, additional commercial uses (ZAC-95-05), all of which have been denied.
5. The amended application cannot be supported for the following reasons:
 - it conflicts with the intent of the Official Plan and the approved Allison Neighbourhood Plan;
 - it conflicts with intent of By-law No. 89-246 which rezoned the subject lands to "G-4" (Designed Neighbourhood Shopping Centre) District, modified which specifically limits the commercial uses to those only of a neighbourhood nature and prohibits high traffic generators;
 - it conflicts with established Council policy not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy; and,
 - approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and zoning by-law.

CONCLUSION:

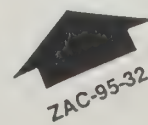
Based on the foregoing, the application cannot be supported.



Legend



Site of the Application



APPENDIX 2 1 2

sent February 13

FEB. 12 1996

Hamilton Ont.

Feb 7/96

Secretary P & D Committee

In reference to the rezoning request for lands at 30 Rymal Rd. East we oppose the "H H" zoning for the following reasons:

The owners were aware of the zoning when they built this plaza. They were good enough then and are good enough now.

The area adjacent; both beside and behind this plaza are zoned residential and are not compatible with the zoning requested. It would allow 24-hr per day operation of restaurants causing additional noise and interference with enjoyment of our homes.

c.c. Tina Agnello, Secretary
Planning & Development
Committee

Sincerely yours
S. Trungher

4a)

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1996 February 13

FEB. 12 1996

46)

Secretary
Planning & Development Committee
City Hall
71 Main St. W.
Hamilton, Ont. L8N 3T4

Feb 8, 1996.

Dear Sir or Madam,

Re: Public Meeting concerning 30 Rymal Rd. E.
Feb 21, 1996 @ 9.45 am
Rm. 233, 2nd Floor City Hall

It has been noted that this is the fifth attempt to amend By-law 89-246.

One of the original requirements allowing this shopping area in the first place was that there be no restaurants or refreshment rooms. We are opposed to this proposed change in zoning for the following reasons: loitering and noise especially after hours. and possibly future strip joints -

Yours truly

Eleanor Davidson
John Davidson

c.c. Tina Agnello, Secretary
Planning & Development Committee.

**TURKSTRA
GARROD
HODGSON**

Environmental, Municipal and Planning Law

Stephen Garrod
Anja Nurvo
Peter Pickfield
Mimi Singh
Herman Turkstra

Douglas Hodgson
Helen Pelton
Manfred Rudolph
Scott Snider

5.

Fax Letter

PLEASE REPLY TO
Helen Pelton
15 Bold Street
Hamilton, Ontario
L8P 1T3

RECEPTIONIST: 905 529-3476
FAX: 905 529-3663

No. of Pages: 1

To: Ms. Tina Agnello
Planning & Development Committee
Fax: 546-2095

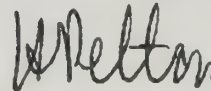
Dear Ms. Agnello:

Re: Appeal of By-Laws 95-02 and 95-033

Please be advised that I am seeking permission to address the meeting of the Planning and Development Committee on February 21, 1996. Our client, Mark Cole has appealed the above by-laws to the Ontario Municipal Board. The hearing is scheduled to take place on February 26, 1996.

We are making efforts to resolve this matter by negotiation and believe we are close to a settlement. We will therefore be requesting the Committee to approve our proposed settlement, or, in the alternative, to consent to an adjournment of the hearing date to allow the negotiation process to be completed.

Yours truly,



Helen Pelton

NOTE: This document is subject to solicitor/client privilege and contains confidential information intended only for the persons named above. Any other distribution, copying or disclosure is prohibited. If you have received this copy in error, please notify us immediately by telephone (Collect if long distance) and return the original transmission to us without making a copy. Thank you.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 12
ZAC-93-17
Durand Neighbourhood

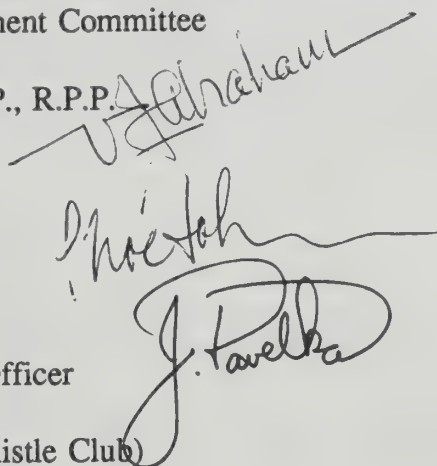
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Patrice Noé Johnson
City Solicitor

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: 85 Robinson Street (Thistle Club)
- Ontario Municipal Board



RECOMMENDATION:

- (a) That with respect to Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, for property located at 85 Robinson Street (Ontario Municipal Board File Nos. C940123, C940124, Z940041), City Council direct the City Clerk:
- i) to forward the executed Minutes of Settlement, (see attached APPENDIX "B") dated 1996 January 19 signed by the Durand Neighbourhood Association, Latco (1986) Developments Limited and the Corporation of the City of Hamilton, to the Ontario Municipal Board; and,
 - ii) to forward the implementing zoning by-law (see attached APPENDIX "C") to the Ontario Municipal Board;
- (b) That Council reserve the right to review and comment on the merits of any future severance application(s) on the subject lands and that the Ontario Municipal Board should be so advised by the City Clerk.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

City Council, at its meeting of 1995 January 10, adopted a resolution supporting a compromise reached with respect to Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, for lands located at 85 Robinson Street (Thistle Club) between the owner (Latco), and the Durand Neighbourhood Association (see APPENDIX "A"). Staff advised the Ontario Municipal Board of Council's position at their hearing of 1995 January 16. The Board directed that a zoning by-law based on this compromise be submitted to the Board for its approval, along with a copy of the executed Minutes of Settlement.

REPORT

In accordance with the Board's instruction, City staff (Planning, Law and Building), in conjunction with the owner and the Durand Neighbourhood Association have been working to finalize the Minutes of Settlement and the Zoning By-law.

Minutes of Settlement

The compromise reached between the owner, the Durand Neighbourhood Association and the City, endorsed by City Council on 1995 January 10, forms the basis for the Minutes of Settlement (see APPENDIX "B" attached). This compromise arose out of negotiations between the three aforementioned parties and the participants at a meeting of 1994 December 17.

Zoning By-law

The parties to the hearing have worked together to draft a zoning by-law which reflects the intent of Minutes of Settlement (see APPENDIX "C" attached). The owner specifically requested that the by-law be drafted in a similar manner to the Carter Square by-law to reflect site specific building envelopes. In addition, given the owners' intent to sever these parcels in the future, specific yard requirements for each block and parking requirements had to be built into the by-law. A by-law of this complexity has not previously been undertaken by the City and in this context, offered many challenges to staff in its preparation.

In addition to the by-law permitting development of the subject lands in accordance with the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, it also provides two additional options for development:

- **Option 1** is identical to the provisions contained in By-law 88-261 which permits a residential care facility for not more than 162 residents who are not less than 60 years of age, and a 110 unit multiple dwelling; and,

- **Option 2** permits the building of three specific residential buildings on each of the three Blocks on the following basis:
 - a maximum gross floor area of 2.25 times the lot area of Blocks 1, 2 and 3;
 - a maximum of 200 dwelling units on Blocks 1 and 2; and,
 - the development of Block 3 is limited to a maximum of 2,545 m² (27,395 feet²).

In addition, each building has specific height limitations and setback requirements within each block. To implement block specific setbacks, a Schedule 'C' to the by-law has been prepared to identify individual building envelopes. There are also a number of very specific provisions to ensure that the Development Plan agreed to at the Ontario Municipal Board hearing is properly implemented through the by-law.

Severances

The Land Division Committee, on 1994 February 15, denied applications by Latco to sever the subject lands into three parcels. This decision was appealed to the Ontario Municipal Board along with Zoning Application ZAC-93-17. As part of the negotiation process, the appeals with respect to the severance applications were withdrawn at the 1994 October 11, pre-hearing conference.

At the 1994 December 17, settlement meeting between the owner, the Durand Neighbourhood Association, the City and participants to the hearing, the issue of the severance was discussed. The Minutes of Settlement reflect the commitment by the Durand Neighbourhood Association to not oppose any future severances of the blocks of land identified in the zoning by-law.

CONCLUSION:

Based on the foregoing, the Minutes of Settlement (attached APPENDIX "B") and the zoning by-law (attached APPENDIX "C") can be supported and the Ontario Municipal Board should be so advised.

Further, with respect to the anticipated severances of the subject lands, the Ontario Municipal Board should also be advised that the City maintains the rights to review the merits of any future severance applications.

**City of
HAMILTON**

Subjoined is a certified true copy the FOURTH Report of the Planning and Development Committee as adopted by City Council at its meeting held 1995 January 10.

1. The compromise reached with respect to amended Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, for lands located at 85 Robinson Street (Thistle Club), as shown on the attached map marked as appendix "A", between the owner (Latco (1986) Developments Limited) and the Durand Neighbourhood Association can be supported on the following basis:
 - the existing By-law No. 88-261 is to be amended so that the developer has two individual options for the development of the property:
 - the first option would be to allow that which is permitted under By-law No. 88-261;
 - the second option would allow for:
 - (a) two apartment buildings, one fronting onto Robinson Street and one fronting onto Charlton Avenue, and the remaining Thistle Club building with a maximum gross floor area ratio of 2.25 times lot coverage (approximately 17,490 m² or 188,270 feet²);
 - (b) if/when the remaining Thistle Club building is demolished, the vacant lands would be redeveloped on the following basis:
 - (i) maximum gross floor area of 2545 m² (27,395 feet²);
 - (ii) maximum height of 4 stories;
 - (iii) minimum yard requirements: as per attached Appendix "B";
 - (iv) permitted uses in accordance with the "E" District regulations; and townhouses, street townhouses and maisonettes in accordance with the "RT-20" District regulations;



- (v) maximum gross floor area ratio, including two apartment buildings in Part (a) above, would not exceed 2.25;
- (vi) parking will be permitted on the lands upon which the building facing Robinson Street and the building facing Charlton Avenue are to be constructed;
- (c) the following will be established with respect to amenity area:
 - (i) "amenity area" be defined as "an area on the same lot accessory to a residential use, including communal areas such as swimming pools, lounges, and recreation areas";
 - (ii) amenity area will be provided on the following basis:

Building facing Robinson Street - a minimum of 278.7 m²(3000 feet²); and,

Building facing Charlton Avenue - a minimum of 371.6 m² (4000 feet²);
 - (iii) required amenity area will not be calculated as part of the gross floor area ratio of 2.25 up to maximums as set out below:

Building facing Robinson Street:
Amenity area to a maximum of 278.7 m² (3000 feet²) will not be included in the gross floor area calculation;

Where balconies are enclosed, the resultant increase in gross floor area will be excluded up to a maximum of 696.75 m² (7500 feet²);

Building facing Charlton Avenue:
Amenity area to a maximum of 371.6 m² (4000 feet²) will not be included in the gross floor area calculation;

Where balconies are enclosed the resultant increase in gross floor area will be excluded up to a maximum of 836.1 m² (9000 feet²);
- (d) not more than 200 dwelling units in the building facing Robinson Street and the building facing Charlton Avenue combined (not including the remaining Thistle Club lands);

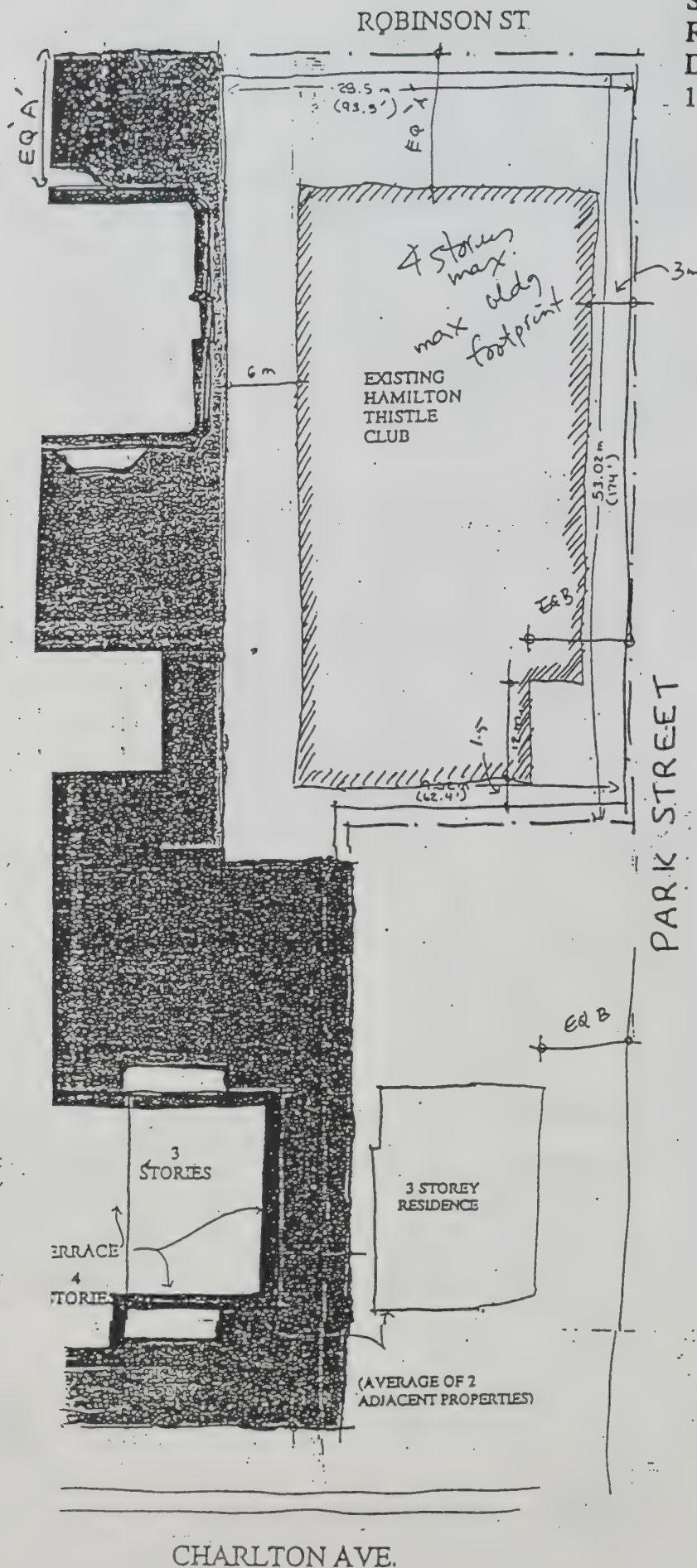
- a site specific by-law be prepared in a form similar to By-law No. 92-197 (the Carter Square by-law);
 - the applicant will engage traffic engineers to work with the Durand Neighbourhood Association and make recommendations to the City Traffic Department concerning the traffic impacts on Charlton Avenue; and,
 - the applicant will provide an undertaking to:
 - provide the Durand Neighbourhood Association with a copy of its proposed Site Plan at the time it is filed with the City and consult in good faith with Durand on the Site Plan during the site plan process; and,
 - obtain and reasonably consider professional advice regarding the potential of the building design to cause wind shear or cyclonic impact at the ground level of the building facing Robinson Street.
2. That staff be directed to advise the Ontario Municipal Board that the City supports the compromise as set out in Recommendation No. 1.

CERTIFIED A TRUE COPY.


CITY CLERK

E-3

Site of the Application



MINUTES OF SETTLEMENT

- Between -

DURAND NEIGHBOURHOOD ASSOCIATION INC.
(hereinafter called "Durand")

- and -

LATCO (1986) DEVELOPMENTS LIMITED
(hereinafter called "the developer")

- and -

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called "the city")

The parties hereby noted above agree to settle Ontario Municipal Board File No. Z940041 on the following terms which will be included in a site-specific by-law similar to By-law No. 92-197 (The Carter Square By-law in that the building envelopes and building setbacks are specifically defined in the zoning by-law.)

1. Maximum Gross Floor Area

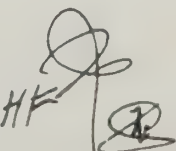
The building fronting onto Robinson Street (hereinafter the Robinson building), the building fronting onto Charlton Avenue (hereinafter the Charlton building) and the remaining Thistle Club building as at 9 January, 1995 shall cumulatively be permitted to have a maximum gross floor area (hereinafter G.F.A.) ratio of 2.25 times the lot coverage (approximately 17,490 sqm or 188,270 sqft.).

2. Maximum Heights

The Robinson Street Building shall have no more than 8 floors. The Charlton Avenue Building shall have a central section of no more than 7 floors and a combination of 3/4/5/4 storey graduation along Charlton Avenue as shown on Schedule "A".

3. Dwelling Unit Cap

The sum total of the dwelling units in both the Robinson Street Building and the Charlton Avenue Building will not exceed 200. If 200 dwelling units are included in one of the buildings, it follows that the other building cannot be constructed.

HF 

4. Thistle Club Site

The land upon which the Thistle Club stands after the development of the Robinson Street Building, hereinafter referred to as the "Thistle Club site", can be redeveloped upon demolition of the then building as follows:

- (a) a building of a maximum G.F.A. of 2,545 sqm (27,395 sqft) can be constructed provided that the maximum G.F.A. ratio, for the entire development site (i.e. those lands upon which the Robinson Street Building and the Charlton Avenue Building are to be constructed and the Thistle Club site) does not exceed 2.25 times lot coverage;
- (b) the maximum height of the new building on the Thistle Club site shall not exceed 4 storeys;
- (c) permitted uses in accordance with the "E" District and "RT-20" District will be permitted on the Thistle Club site;
- (d) set backs for any construction on the Thistle Club site shall be accordance with the building envelope shown on attached Schedule "A";
- (e) parking for the Thistle Club site will be permitted on the lands upon which the Robinson Street building and the Charlton Avenue building are constructed.

5. Amenity Space for the Charlton Avenue and Robinson Street Buildings

- (a) for the purposes of these Minutes of Settlement, Amenity Area shall be the same as that described in section 2.(2)H.(ia) of By-law 6593 as of January 9, 1995 with a modification such that landscaping, patios and balconies are not included. Landscaping, patios and balconies shall not be considered as amenity area for the purposes of these Minutes of Settlement;
- (b) in regard to the Charlton Avenue Building the developer must provide 4,000 sqft of amenity space. Amenity space to a maximum of 4,000 sqft will not be included in the G.F.A. calculation for the Charlton Avenue Building;
- (c) in regard to the Robinson Street Building the developer must provide 3,000 sqft of amenity space. Amenity space to a maximum of 3,000 sqft will not be included in the G.F.A. calculation for the Robinson Street Building;
- (d) with respect to the Charlton Avenue building where balconies are enclosed, the resultant increase in G.F.A. will be excluded to a maximum of 9,000sqft. It is understood that no G.F.A. bonus will be given for a particular balcony unless it is enclosed;

HF 25

- (e) with respect to the Robinson Street building where balconies are enclosed, the resultant increase in G.F.A. will be excluded to a maximum of 7,500 sqft. It is understood that no G.F.A. bonus will be given for a particular balcony unless it is enclosed;
- (f) a site specific by-law will be prepared in a form similar to By-law No. 92-197 (the Carter Square By-law);
- (g) the building setbacks do not include the balconies of each of the buildings in the calculations.

6. Traffic

The developer will provide the services of professional transportation engineers, at the developer's cost, to a maximum of \$7,500.00 to assist Durand in conducting an analysis of through traffic on Charlton Avenue with a view to making recommendations to the City regarding improvement in those patterns on Charlton Avenue.

7. Site Plan Agreements

The developer agrees that it will enter into one or more Site Plan Agreements with the City in the City's standard form.

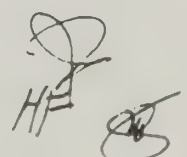
8. Site Plan Consultation

The Developer undertakes that in the site plan design stage it will do the following:

- (a) provide the Durand with a copy of its proposed Site Plan at the time it is filed with the City and consult in good faith with the Durand on the Site Plan during the site plan process;
- (b) obtain and reasonably consider professional advice regarding the potential of the building design to cause wind shear or cyclonic impacts at the ground level of the Robinson building.

9. Existing By-law 88-261

That which is permitted under By-law 88-261 will continue to be permitted. It must be noted that the developer will have two options for the site; one being that which is permitted under By-law 88-261; and the other option being that which is permitted under these Minutes of Settlement. A hybrid of the two options will not be permitted by By-law 88-261 or the By-law enacted further to these Minutes of Settlement.

Handwritten signature and initials, possibly "HF" and "JB", in the bottom right corner.

10. Severances



Durand agrees that it will not oppose subsequent applications by the developer for severances to implement the proposed property lines shown on the attached Schedule B for the construction only of one or more of the buildings each described in these Minutes of Settlement as Schedule A .

11. Authorization

The authorization for these Minutes of Settlement from the Council for the City of Hamilton is contained within the Fourth Report of the Planning and Development Committee, as adopted by City Council, at its meeting held 1995 January 10 (copy attached as Schedule "C").

12. Subsequent Owners

The developer agrees to bind subsequent owners to enter into Assumption Agreements concerning these Minutes of Settlement with the Durand and the City.

HF  

DATED at the City of Hamilton this 11th day of Jan 1995. ⁶ *2 FF* 

DURAND NEIGHBOURHOOD ASSOCIATION
INC.

"Durand"


Belton Fallen, President of above
Maurice Sheppard, Secretary

TORONTO
DATED at the City of Hamilton this 3rd day of JAN. 1995. ⁶ *2*

*We have the authority
to bind the corporation*

LATCO (1986) DEVELOPMENTS LIMITED
"the developer"

DATED at the City of Hamilton this 19th day of JAN 1995. ⁶ *2*

up 
L. Popetsky
A.S.C.

THE CORPORATION OF THE CITY OF
HAMILTON
"the City"

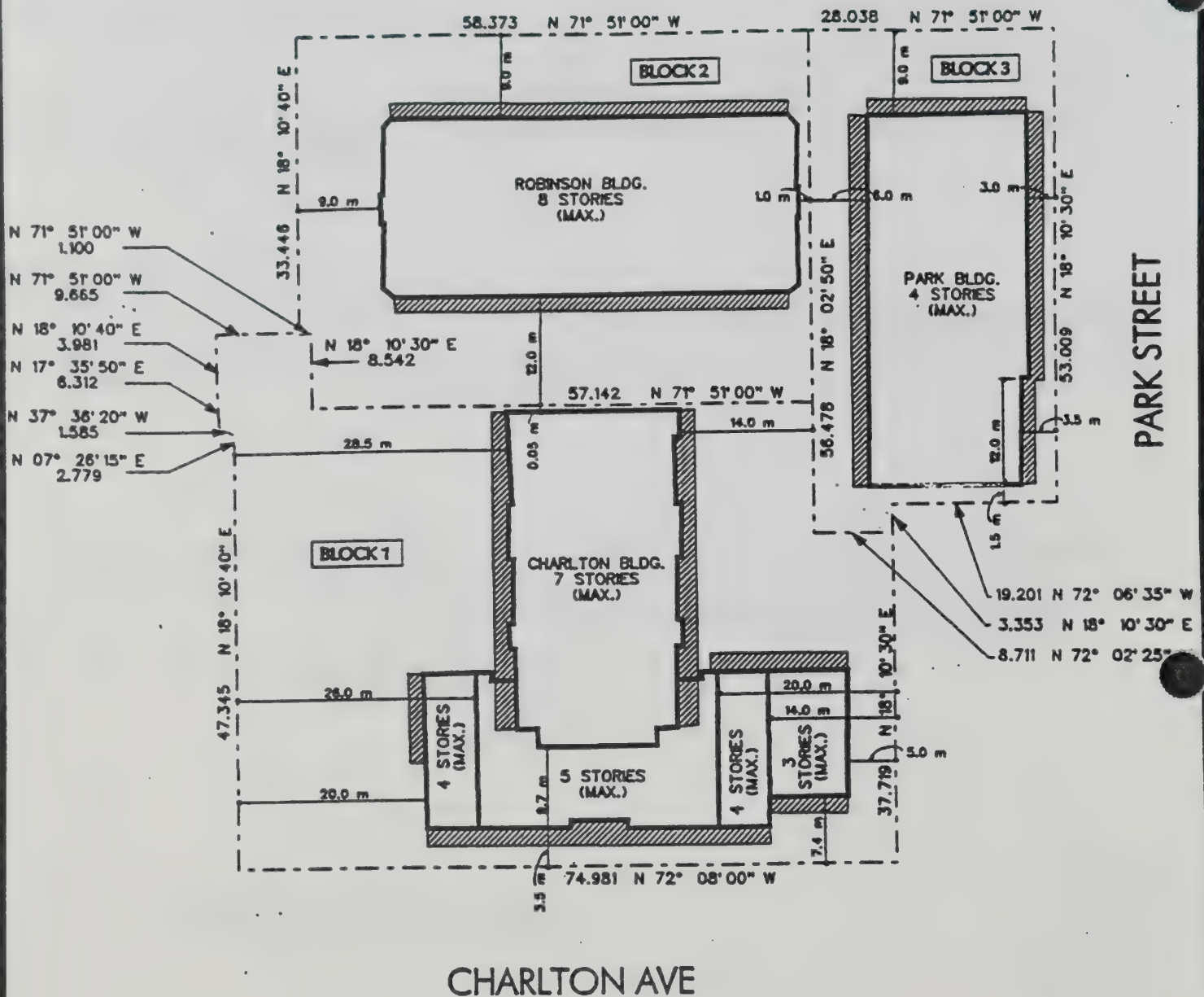
APPROVED
S TO FORM
FOR
PNS
TY SOLICITOR


~~ROBERT M. MORROW, MAYOR~~
ALDERMAN D. DRURY, ACTING MAYOR


JOSEPH J. SCHATZ, CITY CLERK

(dynamain.stl)

ROBINSON STREET



SCHEDULE A

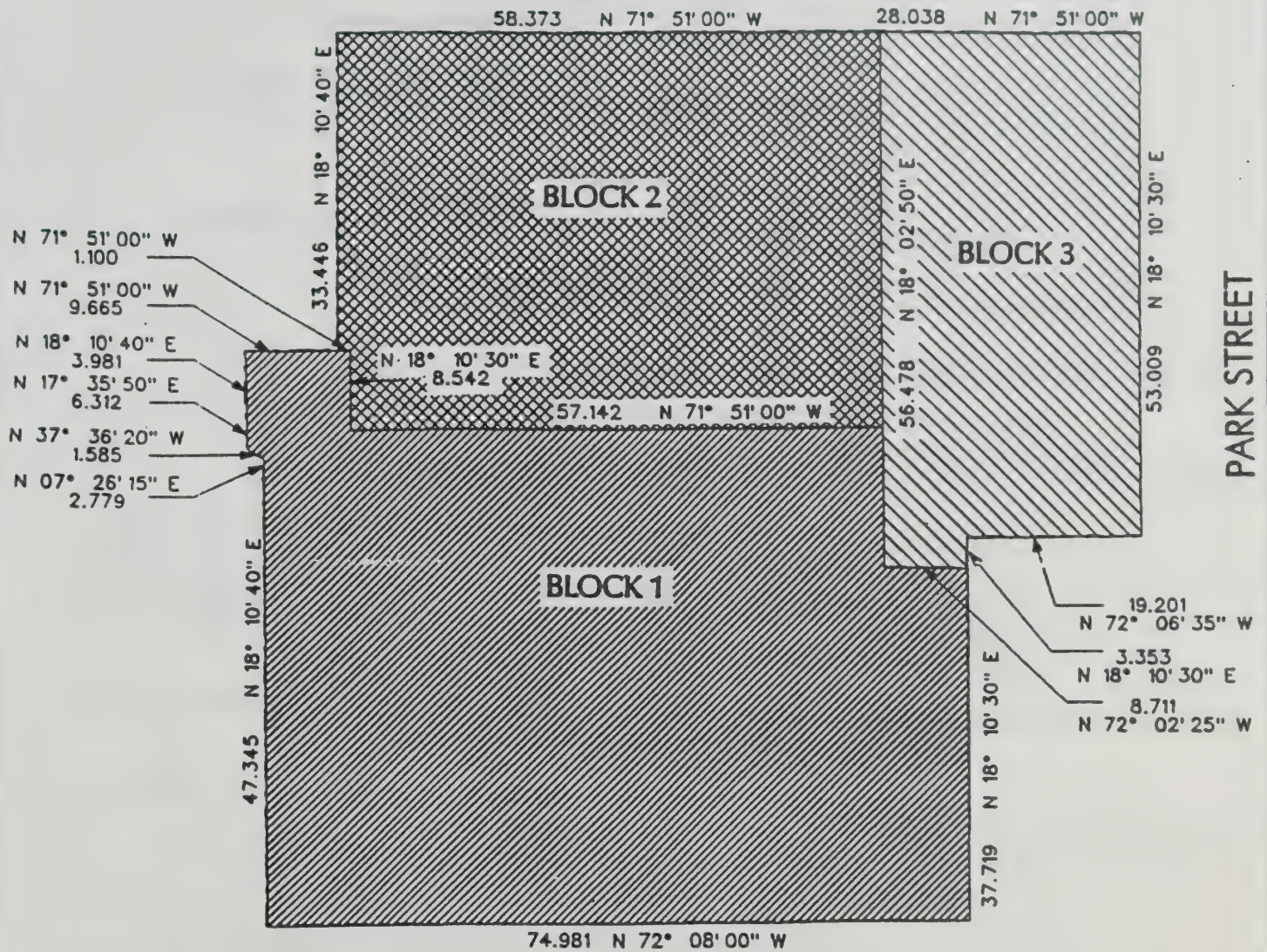
TO THE MINUTES OF SETTLEMENT
AS AGREED TO BETWEEN:

The Durand Neighbourhood Association
Latco (1986) Developments Ltd.
The Corporation of the City of Hamilton

RE: ONTARIO MUNICIPAL BOARD FILE No. Z940041

Handwritten signature/initials

ROBINSON STREET



CHARLTON AVE

SCHEDULE B

TO THE MINUTES OF SETTLEMENT
AS AGREED TO BETWEEN:

The Durand Neighbourhood Association
Latco (1986) Developments Ltd.
The Corporation of the City of Hamilton

RE: ONTARIO MUNICIPAL BOARD FILE No. Z940041

[Handwritten signature]

HF *[Handwritten initials]*

SCHEDULE C

**TO THE MINUTES OF SETTLEMENT
AS AGREED TO BETWEEN:**

**The Durand Neighbourhood Association
Latco (1986) Developments Ltd.
The Corporation of the City of Hamilton**

RE: ONTARIO MUNICIPAL BOARD FILE No. Z940041

1995 January 10

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FOURTH** Report for 1995 and respectfully recommends:

1. The compromise reached with respect to amended Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, for lands located at 85 Robinson Street (Thistle Club), as shown on the attached map marked as appendix "A", between the owner (Latco (1986) Developments Limited) and the Durand Neighbourhood Association can be supported on the following basis:
 - the existing By-law No. 88-261 is to be amended so that the developer has two individual options for the development of the property:
 - the first option would be to allow that which is permitted under By-law No. 88-261;
 - the second option would allow for:
 - (a) two apartment buildings, one fronting onto Robinson Street and one fronting onto Charlton Avenue, and the remaining Thistle Club building with a maximum gross floor area ratio of 2.25 times lot coverage (approximately 17,490 m² or 188,270 feet²);
 - (b) if/when the remaining Thistle Club building is demolished, the vacant lands would be redeveloped on the following basis:
 - (i) maximum gross floor area of 2545 m² (27,395 feet²);
 - (ii) maximum height of 4 stories;
 - (iii) minimum yard requirements: as per attached Appendix "B";
 - (iv) permitted uses in accordance with the "E" District regulations; and townhouses, street townhouses and maisonettes in accordance with the "RT-20" District regulations;
 - (v) maximum gross floor area ratio, including two apartment buildings in Part (a) above, would not exceed 2.25;

- (vi) parking will be permitted on the lands upon which the building facing Robinson Street and the building facing Charlton Avenue are to be constructed;
- (c) the following will be established with respect to amenity area:
- (i) "amenity area" be defined as "an area on the same lot accessory to a residential use, including communal areas such as swimming pools, lounges, and recreation areas";
- (ii) amenity area will be provided on the following basis:
- Building facing Robinson Street - a minimum of 278.7 m^2 (3000 feet²); and,
- Building facing Charlton Avenue - a minimum of 371.6 m^2 (4000 feet²);
- (iii) required amenity area will not be calculated as part of the gross floor area ratio of 2.25 up to maximums as set out below:
- Building facing Robinson Street:
Amenity area to a maximum of 278.7 m^2 (3000 feet²) will not be included in the gross floor area calculation;
- Where balconies are enclosed, the resultant increase in gross floor area will be excluded up to a maximum of 696.75 m^2 (7500 feet²);
- Building facing Charlton Avenue:
Amenity area to a maximum of 371.6 m^2 (4000 feet²) will not be included in the gross floor area calculation;
- Where balconies are enclosed the resultant increase in gross floor area will be excluded up to a maximum of 836.1 m^2 (9000 feet²);
- (d) not more than 200 dwelling units in the building facing Robinson Street and the building facing Charlton Avenue combined (not including the remaining Thistle Club lands);
- a site specific by-law be prepared in a form similar to By-law No. 92-197 (the Carter Square by-law);

1995 January 10

- the applicant will engage traffic engineers to work with the Durand Neighbourhood Association and make recommendations to the City Traffic Department concerning the traffic impacts on Charlton Avenue; and,
 - the applicant will provide an undertaking to:
 - provide the Durand Neighbourhood Association with a copy of its proposed Site Plan at the time it is filed with the City and consult in good faith with Durand on the Site Plan during the site plan process; and,
 - obtain and reasonably consider professional advice regarding the potential of the building design to cause wind shear or cyclonic impact at the ground level of the building facing Robinson Street.
2. That staff be directed to advise the Ontario Municipal Board that the City supports the compromise as set out in Recommendation No. 1.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE**

**Stella Glover
Secretary**

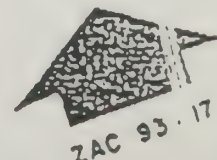
1995 January 10



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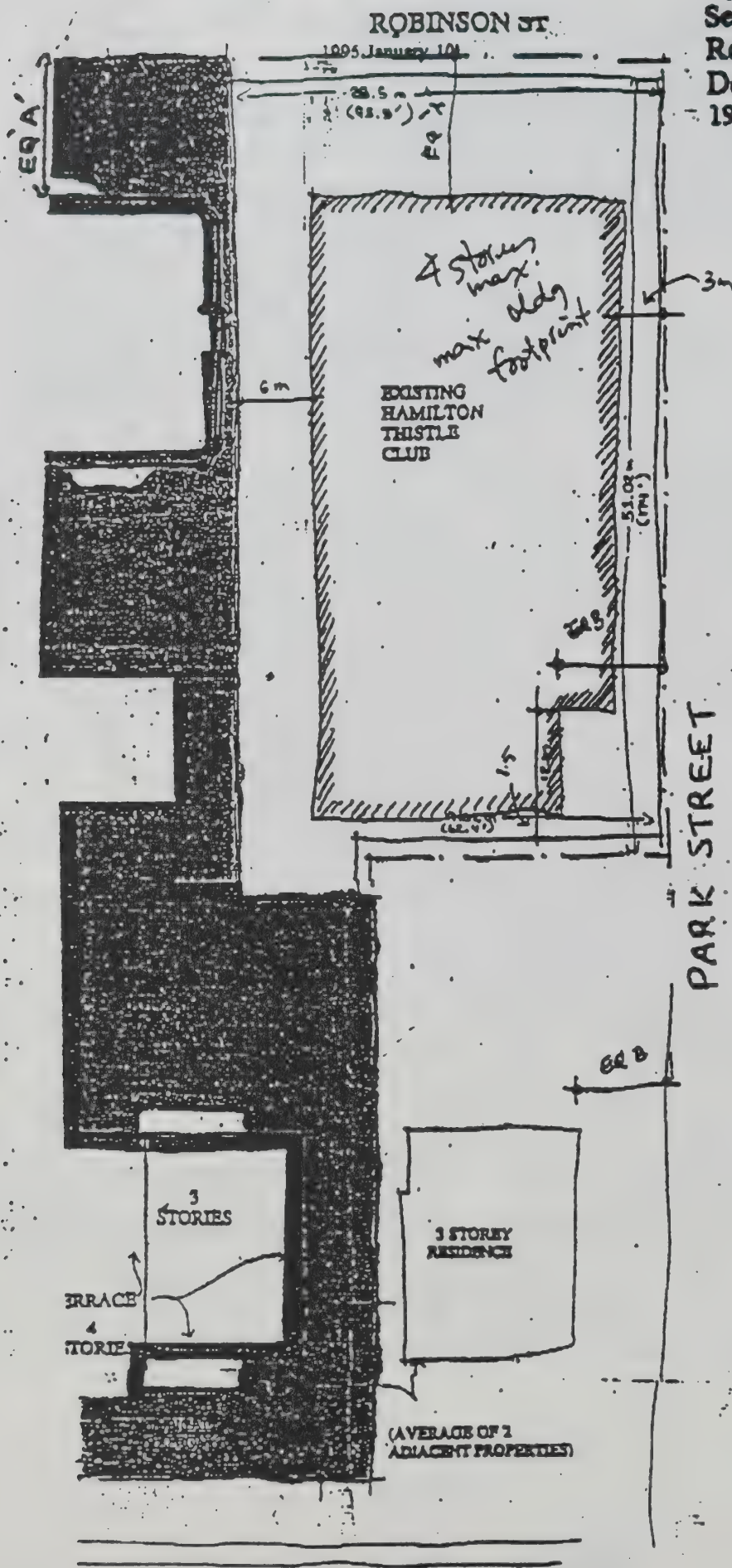


Site of the Application



APPROVED

Appendix "B" referred to in
Section 1(b)(iii) of the FOUR
Report of the Planning and
Development Committee for
1995.



CHARLTON AVE.
151

HF
APPENDIX B

APPENDIX "C"

Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 85 ROBINSON STREET

WHEREAS it is intended to establish special requirements under Section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 88-261 on the 8th day of November 1988 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "E" District, in respect of the land located at Municipal No. 85 Robinson Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to permit two mutually exclusive development options in respect of the land located at Municipal No. 85 Robinson Street, in addition to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions of Zoning By-law No. 6593;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended as set out below such that the lands might be developed by way of one of two distinct options and not a hybrid of the two. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions will also continue to be applicable to the lands notwithstanding the two options noted herein.

OPTION NO. 1

2. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended, to the extent only of the special requirements that,

- (a) notwithstanding Section 2.(2)A.(xiiaa) of By-law No. 6593, a residential care facility shall be permitted in the same building as the multiple dwelling;
- (b) notwithstanding Section 2.(2)J.(xb) of By-law No. 6593, a pedestrian entranceway to underground parking shall be permitted within the landscaped area required under Section 18A.(12) of By-law No. 6593;

- (c) Section 4.(3)(a) of By-law No. 6593 shall not apply;
- (d) notwithstanding Section 11.(1)(iii) of By-law No. 6593, the multiple dwelling shall provide not more than 110 dwelling units;
- (e) notwithstanding Section 11.(1)(iiib) of By-law No. 6593, the residential care facility shall accommodate not more than 162 residents, all of whom shall be not less than 60 years of age;
- (f) notwithstanding Section 11.(1)(viii) of By-law No. 6593, continued use of the private club is permitted only within the building or any portion thereof existing at the date of the passing of this by-law;
- (g) notwithstanding Section 11.(3)(ii)(b) of By-law No. 6593, a side yard of not less than 8.0 m in width shall be provided and maintained along the westerly side lot line within 33.4 m of Robinson Street;
- (h) notwithstanding Section 11.(3)(iii)(b) of By-law No. 6593, a rear yard of not less than 8.0 m in depth shall be provided and maintained along Charlton Avenue;
- (i) notwithstanding Section 11.(5) of By-law No. 6593, a gross floor area of not more than 22,130.0 m² shall be permitted;
- (j) Section 11.(7) of By-law No. 6593 shall not apply;
- (k) notwithstanding Section 18.(3)(vi)(b)(i) of By-law No. 6593, a canopy may project not more than 2.5 m into the required front yard;
- (l) notwithstanding Section 18.(3)(vi)(cc)(i) of By-law No. 6593, a balcony may project not more than 1.4 m into the required front yard;
- (m) notwithstanding Section 18A.(1)(a) of By-law No. 6593, not less than 173 parking spaces shall be provided and maintained;
- (n) notwithstanding Section 18A.(11)(a) and 18A.(12)(b) of By-law No. 6593, the boundary of the loading space shall be fixed not less than 0.4 m from the boundary of the adjoining residential district.

3. Where the land is developed in accordance with Option No. 1, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirements referred to in Section 2.

4. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1343.

5. Sheet No. W-5 of the District Maps is amended by marking the lands referred to in Section 2 of this by-law, S-1343.

OPTION NO. 2

6. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on plans hereto annexed as Schedule "B" and Schedule "C", are further amended to the extent only of the special requirements that,

- (a) notwithstanding Sections 11(2), 11(3), 18(3), and 18(8) of By-law No. 6593, the maximum building heights above grade, minimum yards and minimum building distance separations shall be provided and maintained in accordance with the attached Schedule "C". Above grade buildings shall be located wholly within the areas outlined by the heavy building envelope lines as is shown on Schedule "C". Building envelopes shall be variable to the maximum distances shown on Schedule "C" provided that the minimum setbacks shown on Schedule "C" are met. Minimum setbacks shall not be compromised by maximized building envelopes;
- (b) in addition to 6(a) above and notwithstanding Section 11(3) of By-law No. 6593, the following setbacks are required for any building within Block 1:
 - (i) from Block 2 - minimum 0.05 metres,
 - (ii) from Block 3 - minimum 14.0 metres,
 as shown on Schedule "C";
- (c) in addition to 6(a) above and notwithstanding Section 11(3) of By-law No. 6593, the following setbacks are required for any building within Block 2:
 - (i) from Block 1 - minimum 12.0 metres,
 - (ii) from Block 3 - minimum 1.0 metres,
 as shown on Schedule "C";
- (d) in addition to 6(a) above and notwithstanding Section 11(3) of By-law No. 6593, the following setbacks are required for any building within Block 3:
 - (i) from Block 1 - minimum 5.0 metres,
 - (ii) from Block 2 - minimum 6.0 metres,
 as shown on Schedule "C";
- (e) notwithstanding Section 18(8)(c) of By-law No. 6593, two multiple buildings and a private club shall be permitted on the same lot providing there is a minimum building separation of 12.0 m between buildings on Blocks 1 and 2, and 7.0 m between buildings on Blocks 2 and 3;
- (f) notwithstanding Section 18(3)(vi)(cc) of By-law No. 6593, balcony projections for all yards are not to exceed 1.5 m, including enclosed balconies;
- (g) notwithstanding Section 11(5) of By-law No. 6593, the following provisions apply:
 - (i) a maximum gross floor area of 2.25 times the lot area of Blocks 1, 2 and 3 as shown on Schedule "B" shall be permitted;
 - (ii) a maximum of 200 dwellings units shall be permitted on Blocks 1 and 2 combined;
 - (iii) a maximum gross floor area of 2,545 m² (27,395 feet²) shall be permitted on Block 3, provided that the maximum gross floor area ratio for the entire site (Blocks 1, 2 and 3) does not exceed 2.25 times lot area;

all in accordance with the attached Schedule "C",

- (h) amenity area shall be provided and maintained on the following basis:
 - (i) Block 1 - minimum of 371.6 m² (4,000 feet²); and
 - (ii) Block 2 - minimum of 278.7 m² (3,000 feet²);
- (i) the required amenity area noted in (h) above will not be calculated as part of the gross floor area ratio of 2.25 up to maximums as follows:
 - (i) Block 1 - amenity area to a maximum of 371.6 m² (4,000 feet²); and
 - (ii) Block 2 - amenity area to a maximum of 287.7 m² (3,000 feet²);
- (j) where balconies are enclosed, the resultant increase in gross floor area will not be calculated as part of the gross floor area ratio of 2.25 as follows:
 - (i) Block 1 - to a maximum of 836.1 m² (9,000 feet²); and
 - (ii) Block 2 - to a maximum of 696.75 m² (7,500 feet²);
- (k) for the purposes of Option No. 2, "amenity space" shall be defined as: "an area on the same lot accessory to a residential use, including communal areas such as swimming pools, lounges and recreation areas, but does not include landscaping, patios and balconies";
- (l) notwithstanding Section 11(2)(ii) and (iii) of By-law No. 6593, no building on Block 3 shall exceed a height of 4 storeys;
- (m) notwithstanding Section 11(1) of By-law No. 6593, townhouses and maisonettes shall be permitted on Block 3 in accordance with Section 10E of By-law No. 6593 and Section 6(g), and (n) of this by-law;
- (n) notwithstanding Section 18A of By-law No. 6593, required parking for Block 3 may be provided and maintained on Blocks 1 and 2, subject to the registration on title of irrevocable site plan agreements for each of Blocks 1, 2 and 3 between the respective owners of Blocks 1, 2 and 3 and the City. In the event that required parking for Block 3 is not being provided and maintained by such a site plan agreement, parking for Block 3 must be provided and maintained on Block 3;
- (o) notwithstanding Section 18A of By-law No. 6593, required parking, access driveways, and manoeuvring space for Block 1 and Block 2 may be provided and maintained on both Block 1 and Block 2, subject to the registration on title of irrevocable site plan agreements for each of Blocks 1 and 2 between the respective owners of Blocks 1 and 2 and the City. In the event that required parking, access driveways, and manoeuvring space for each of Blocks 1 and 2 is not being provided and maintained by such site plan agreements, required parking, access driveways and manoeuvring space for each of Blocks 1 and 2 must be provided and maintained on Block 1 and Block 2, respectively;
- (p) notwithstanding Section 18A of By-law No. 6593, one loading space measuring 3.7 metres by 9.0 metres shall be provided and maintained on each of Block 1 and Block 2.

7. Where the land is developed in accordance with Option No. 2, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirements referred to in Section 6 of this by-law.

8. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1343.

9. Sheet No. W-5 of the District Maps is amended by marking the lands referred to in Section 6 of this by-law, S-1343.

10. By-law No. 88-261 is hereby repealed in its entirety.

PASSED this day of

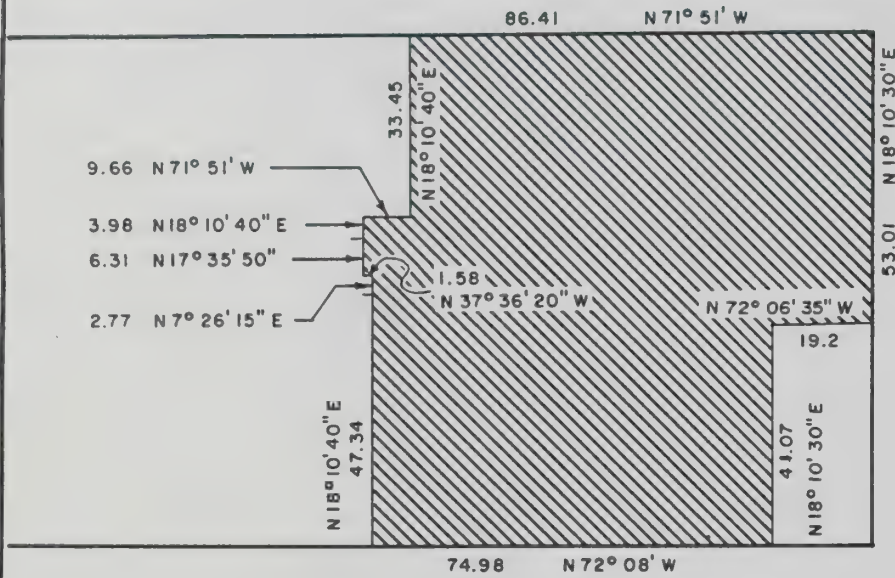
A.D. 1996

CITY CLERK

MAYOR

(1995) 4 R.P.D.C. 1, January 10
Latco (1986) Developments Limited, Owner
ZAC-93-17

ROBINSON STREET



PARK STREET SOUTH

CHARLTON AVENUE

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96
to Amend By-Law No. 6593

Legend



Lands to be regulated by
By-Law No. 96-.....

North



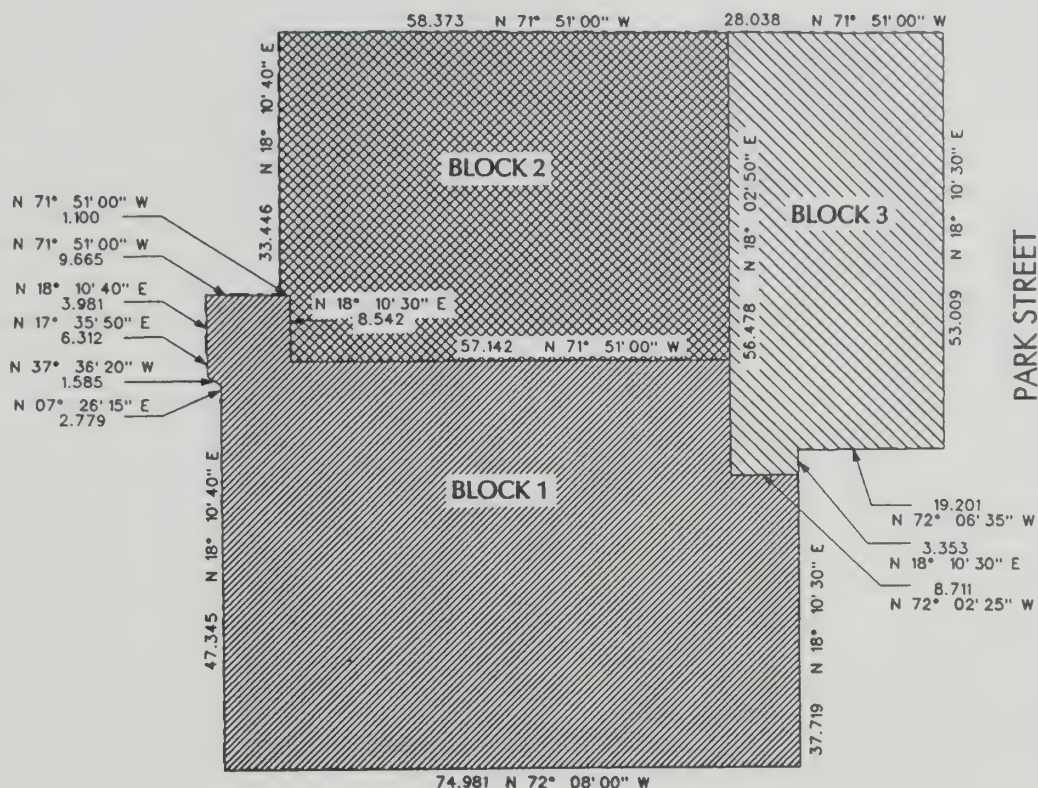
Scale
Not to Scale

Date
FEB. 1996.

Reference File No.
ZAC-93-17

Drawn By
Z.K.

ROBINSON STREET



CHARLTON AVE

NOTE: All dimensions are in metres

This is Schedule "B" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule B

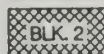
Map Forming Part of
By-Law No. 96-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend



BLK 1



BLK 2



BLK 3

Lands to be regulated by
By-Law No. 96-.....

North



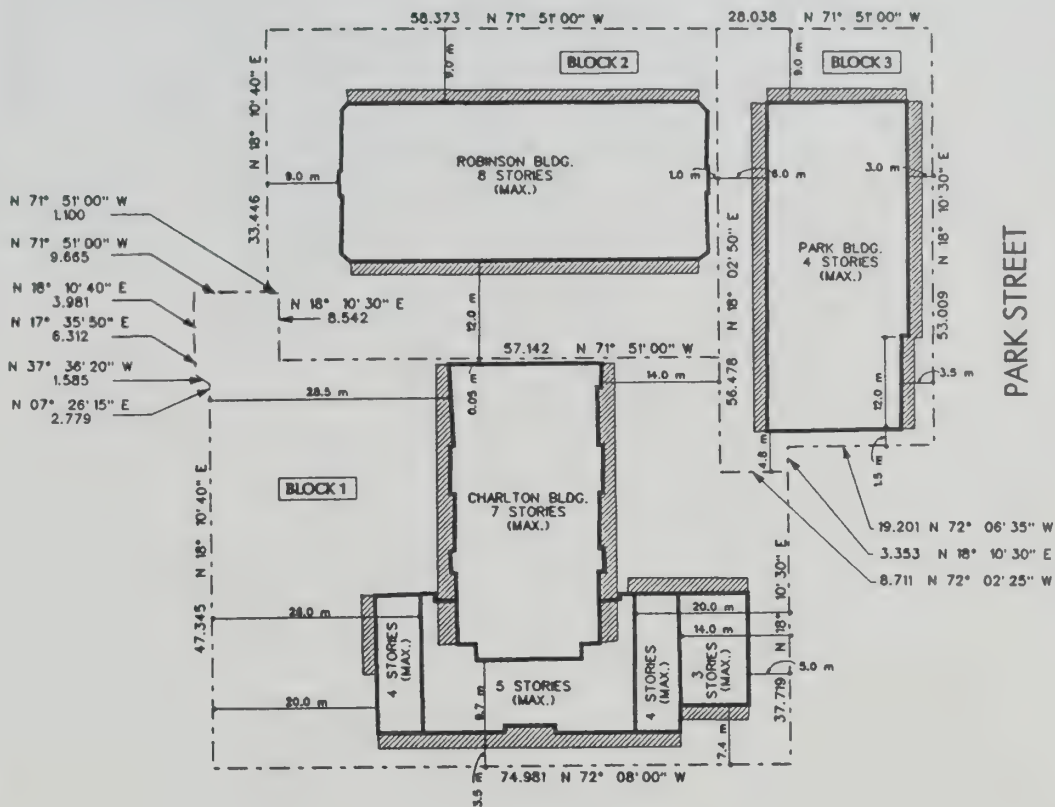
Scale
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Date
FEB. 1996

Reference File No.
ZAC-93-17

Drawn By
R.L.

ROBINSON STREET



CHARLTON AVE

NOTE: All dimensions are in metres

This is Schedule "C" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule C

Map Forming Part of
By-Law No. 96-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

 BUILDING ENVELOPES

 BALCONIES / SUNROOMS

North



Scale
Not to Scale

Date
FEB. 1996

Reference File No.
ZAC-93-17

Drawn By
R.L.

7.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 February 21
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 February 7

B. DIRECTOR OF PLANNING AND DEVELOPMENT

- (a) Mountview Neighbourhood, Authorization for a Public Meeting
- (b) 1996 Beasley Neighbourhood Plan, Authorization for a Public Meeting
- (c) Site Plan Control Application DA-95-34 to amend approved plans of Site Plan Control Application DA-93-23 for construction of additional columbarium niches at White Chaple Memorial Gardens Cemetery at 1895 Main Street West

C. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

- (a) Authorization for attendance - 1996 APA National Planning Conference, April 13 to 17, Orlando
- (b) Information Items

Wednesday, 1996 February 7
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present:

Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor Robert M. Morrow
Alderman G. Copps
Alderman M. Caplan
Alderman F. Eisenberger
Alderman Wm. McCulloch
Alderman B. Charters
Alderman H. Merling

Also present:

Alderman M. Kiss
Alderman T. Jackson
Victor Abraham, Director of Planning
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning and Development
Steve Robichaud, Planning Department
Eugene Chajka, Roads Department
Len King, Commissioner of Building
Peter Lampman, Building Department
Larry Harvey, Building Department
Roland Karl, Public Works & Traffic Department
Werner Plessl, Public Works & Traffic Department
Art Zuidema, Law Department
Tina Agnello, Secretary

PUBLIC MEETINGS

1. Zoning Application 95-29, by Peter Georgakopoulos, owner, for a further modification to the "M" District regulations, for lands located at 1050 Rymal Road East.

As recommended by the Director of Planning in a report dated 1996 January 26 the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAR-95-29, Peter Georgakopoulos, owner, requesting a further modification to the "M-12" (Prestige Industrial) District regulations, to permit a restaurant (maximum seating capacity of 30) as an accessory use within the existing banquet hall building, for property located at 1050 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, as amended by By-law No. 90-43, applicable to the subject lands, be further amended to include the following variance as a special requirement:
 - (i) Notwithstanding Section 17D(1)(b) of By-law No. 6593, the following is permitted:
 - i) a restaurant accessory to the existing banquet facility and catering business with a maximum seating capacity of 30 persons, only within the existing building;

- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1154a, and that the subject lands on Zoning District Map E-49E be notated S-1154a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E, for presentation to City Council; and,
- (d) The proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

*** Alderman Copps Opposed**

2. **Zoning Application 95-27 and Draft Plan of Subdivision 25T-90001(R), by 800064 Ontario Inc. (A. DiSilvestro), owner, for lands located at the north-west intersection of Garth Street and Gisele Drive.**

A submission was received by Sarah E. Ford of 15 Giselle Drive in Hamilton.

The applicants were present in support of the application.

Paul Mallard advised that originally there was an application to develop 69 Block Townhouses, and this application is for 49 Street Townhouses.

As recommended by the Director of Planning and Development in a report dated 1996 January 31, the Committee recommended to Council as follows:

- A. (a) That approval be given to Subdivision Application 25T-90001(R), 800064 Ontario Inc. (A. DiSilvestro), owner, to establish a draft plan of subdivision "Claudette Gardens Phase 7", on lands located west of Garth Street and north of Gisele Drive, known municipally as 1600 Garth Street, in the Falkirk East Neighbourhood, as shown on the attached map marked as APPENDIX "B" subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and certified by J.P. Wooley, O.L.S., dated November 15, 1995, showing 49 lots for street townhouses, 3 lots for single family dwellings, 7 blocks to be developed in conjunction with adjacent lands, a block for a 0.30m reserve, a block for the widening of Garth Street and one street identified as Street "A", as shown on the attached map marked as APPENDIX "C".
 - (ii) That the Owner establish Street "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision. All works must be completed to the satisfaction of the Senior Director, Roads Department.
 - (iii) That the Owner dedicate by Certificate on the Final Plan of Subdivision a strip of land 8.23m in width along the entire frontage of the subdivision

adjacent to Garth Street to the City of Hamilton as a public highway, for road widening purposes.

- (iv) That the Owner provide the Region with documentation satisfactory to the Commissioner of Transportation/Environmental Services that the standard roadway cross-section, utilities and municipal sidewalks etc., for a 20.0m road allowance, can be installed on both sides of Street "A", proposed at 18.0m width.
- (v) That a 4m x 4m daylight triangle be included on the Final Plan of subdivision at the L-shaped bend in the road allowance on Street "A" at Lot 15 and a 1m x 1m daylight triangles on the corner of Lots 1 and 49 at the intersection of Gisele Drive and Street "A".
- (vi) That the Owner convey Block "60", that being a 0.30 m wide reserve along the rear of Lots 1 to 14 inclusive, to the City of Hamilton, by deed, at the time of registration of the Final Plan of Subdivision.
- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
- (viii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:
 - (1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Senior Director, Roads Department;
 - (3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;
 - (4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction.

- (ix) That the Owner merge in title Blocks 56, 58 and 59 with Lots 21, 20 and 19, Registered Plan 62M-760 at the time of registration of the final plan of subdivision.
 - (x) That the Owner merge in title Blocks 53, 54, 55 and 57 with Lots 13, 12, 11 and 10, Registered Plan 62M-746 at the time of registration of the final plan of subdivision.
 - (xi) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (xii) That the Owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.
 - (xiii) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (xiv) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.
 - (xv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (xvi) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
 - (xvii) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands.
 - (xviii) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-90001(R)), 800064 Ontario Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
- (d) That the approved Falkirk East Neighbourhood Plan be amended to add the public highway shown as Street "A" and that Blocks "53" to "57" inclusive, on the draft plan of subdivision be

redesignated from "Attached Housing" to "Single & Double" upon Draft Plan Approval of the Plan of Subdivision.

- B. That approval be given to Zoning Application 95-27, 80064 Ontario Inc., (A. DiSilvestro), owner, requesting a further modification to the "RT-20" (Townhouse-Maisonette) District regulations to remove the prohibition on street townhouse units (Blocks "1" and "2"), and for a change in zoning from "RT-20" (Townhouse-Maisonette) District to "R-4" (Small Lot Single - Family Dwelling) District for Block "3" and to "C" (Urban Protected Residential, etc.) District for Block "4", for lands located west of Garth Street and north of Gisele Drive, known municipally as 1600 Garth Street, in the Falkirk East Neighbourhood, as shown on the attached map marked as APPENDIX "B", on the following basis:
- (a) That the "RT-20" (Townhouse-Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, as amended by By-law No. 90-311, applicable to Blocks "1" and "2", be further modified as follows:
 - (i) That Section 4.(a) of By-law No. 90-311 be deleted in its entirety;
 - (ii) That notwithstanding Section 10E(2)(a), a townhouse block containing a maximum of 7 single family dwelling units to be used as model units in accordance with the requirements of Section 6.(1) shall be permitted;
 - (iii) That notwithstanding Section 10F.(4)(c)(ii), a minimum side yard of 1.75 metres shall be provided and maintained for a Street Townhouse Dwelling, not exceeding two storeys in height;
 - (iv) That notwithstanding Section 10F(4)(a), a front yard depth of not less than 7.0 m shall be provided and maintained for Block "1";
 - (b) That Block "3" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified, to "R-4" (Small Lot Single - Family Dwelling) District;
 - (c) That Block "4" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified, to "C" (Urban Protected Residential, etc.) District;
 - (d) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1195b, and that Blocks "1" and "2" on Zoning District Map W-27D be notated S-1195b;
 - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27D for presentation to City Council;
 - (f) That the proposed changes and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

3. CI-96-A, Front Yard Landscaping Provision.

Joanne Hickey-Evans explained that this City Initiative is to support and enforce the 50% landscaping provision for front yards and it also to state how the area for the 50% shall be calculated.

Alderman Caplan asked about gravel gardens to which Joanne Hickey-Evans replied that if the front yard is all gravel it will not be considered landscaping. Alderman Caplan felt that this was too restrictive and was advised that if someone wants to deviate from the provisions they are permitted to apply to the Committee of Adjustment.

Alderman Drury stated that some people put in a driveway and it covers more than 50% of the front yard and as a result they are required to go to the Committee of adjustment. He suggested that maximum widths for one car and two car driveways in front of homes be established.

Alderman Charters supported the staff recommendation.

Alderman Merling concurred and added that there have been pavement agreements with the Traffic Department, where people can have paving in front of their yard up to a maximum of 50%. The Planning Department report is consistent with present policy.

Paul Mallard reiterated that the report is an attempt to enforce the 50% standard which has already been established.

After discussion the Committee moved to forward to Council the recommendation of the Director of Planning and Development in a report dated 1996 January 23 as follows:

That approval be given to City Initiative 96-A, to amend Zoning By-law No. 6593, to require at least 50% of the front yard for single, two and three-family dwellings to be landscaped as follows:

- (a) That Section 18 - Supplementary Requirements and Modifications be amended to include a new section as follows:

SPECIAL REQUIREMENTS FOR FRONT YARD LANDSCAPING

- "18.(14a) Notwithstanding any other provision of this by-law, for any single-family dwelling, two-family dwelling or three-family dwelling:
- (i) not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers, or other similar materials;
 - (ii) for the purposes of clause 14.(i), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:

- (a) unenclosed entrance porches;
 - (b) vestibules;
 - (c) ramps;
 - (d) front steps;
 - (e) chimneys;
 - (f) bay windows;
 - (g) ornamental projections;
 - (h) terraces;
 - (i) platforms; and,
 - (j) a walkway between the front entrance of the principle building and the street line or driveway with a maximum width of 0.6 m.
- (iii) Notwithstanding clause 14.(i), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:
 - (a) a driveway between the front entrance of the garage and the street line with maximum width of:
 - 1) 3.0 m for each door of a one, two or three car garage; or,
 - 2) 5.5 m for a double door of a two car garage; and,
 - (b) a walkway between the front entrance of the principle dwelling and the street line or driveway with a maximum width of 0.6 m. provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel pavers, or other similar materials."
- b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. DELEGATION

Mr. King Lee - Removal of Debris, 433 Waverly

Alderman Eisenberger explained that the owner of the property was given notice to clear debris and as this was not done, the work was completed by the City and Mr. Lee was billed.

Mr. Lee explained that because he was sick, he called the City for an extension but could not get through and therefore, the debris was not removed. He stated that it was only a small amount of garbage, about three squares of shingles and a set of steps. He stated that it took 1 1/2 hours to load a small trailer behind a pickup truck with the debris.

In response to Alderman Merling, Mr. Harvey advised that this situation resulted in response to various complaints. Notice was given through posting and 11 days later workers were sent out to clean 1.4 tons of shingles which were dumped at Phillips and another load of garbage which was dumped at the City Dump. Mr. Harvey added that staff from the Building Department spoke with the tenant but not directly with Mr. Lee.

Alderman Merling stated that the City has minimum standards with respect to debris removal and also with respect to snow removal. Staff should be supported and in this case the Department has done its job. If the amount due to the City is reduced there will be many requests coming before the Committee.

Alderman Eisenberger felt that there were extenuating circumstances such that the tenant might not have communicated to the owner. He suggested the bill be reduced by \$100. from \$303. to \$203. He felt that in situations where a tenant occupies the property, the owner should be advised at his home address.

Alderman Copps felt that the owner was given ample notice, since the work was done one month after the complaint was received.

Alderman Charters concurred with Alderman Merling not to set a precedent by reducing this bill.

In response to the question, Larry Harvey advised that the notice was posted on location as required in the by-law.

A motion was placed on the floor to reduce the amount owing from \$303. to \$203. and was defeated.

Subsequently the Committee resolved that no action be taken on the matter.

5. REFERRAL BACK FROM COUNCIL

Demolition 266 to 280 King Street East

The Committee was in receipt of a revised report from the Building Commissioner dated 1996 February 6.

Alderman McCulloch stated that he is satisfied that Mr. Spallacci will build on the property at the earliest possible.

The Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit, as per Section 33 Chapter 1(7) of The Planning Act for the building located at 266 - 280 King Street East in accordance with By-Law 74-290 subject to the following conditions:

- a) That the new building to be substantially completed on the site not more than two years from the day demolition of the existing residential property is commenced; and,

- b) That failure to complete the new building within the time specified, the City shall collect the maximum sum of \$20,000. for each of the 17 dwelling units in a like manner as municipal taxes. The condition for redevelopment shall be registered on title in accordance with the provisions of the Planning Act.

6. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**
Barton Street Revitalization- Landscaping Projects

The Mayor commented that the City can probably do more. He felt that the items in the report should be reviewed and that additions could possibly be made.

Werner Plessel was present and stated that this report was one proponent of a larger picture.

Alderman Drury was concerned that the City is conducting landscaping at the General Hospital. He felt that they should be responsible to landscape some of the properties around their building.

Following a discussion, the Committee resolved to forward to Council the recommendation of the Commissioner of Public Works and Traffic dated 1996 February 1 as follows:

That the concept plans attached as Appendix 'D' identifying various streetscaping improvements within the boundaries of the Barton General B.I.A. be approved for implementation under the Barton Street Revitalization Program at an estimated cost of \$25,000.

7. **BILL 20 - PROPOSED REVISION TO THE PLANNING ACT**

For Discussion

Alderman Kiss was concerned that under the present system residents will have no appeal to the decision of the Committee of Adjustment.

Alderman Copps preferred that no Members of Council be on the Committee and this would give the effect of having an appeal to the Planning and Development Committee and/or Council.

Victor Abraham advised that if an appeal comes to the Planning and Development Committee or Council and the City refers it to the Ontario Municipal Board they will be held responsible for paying the hearing fees.

Discussion ensued with regard to whether or not the City would like to keep the status quo and requesting an appeal process in place as there is presently.

Alderman Eisenberger concurred with Alderman Copps and stated that he would prefer the Committee of Adjustment to be composed solely of citizen members in order to retain the availability of an appeal mechanism to Council.

Mr. Abraham advised that the changes proposed allow for an appeal system through the Council where there are no Aldermen on the Committee or a system where there are no appeals in the case where there are City Council Members on the Committee. He added that at any given time the City may choose to move from one of these scenarios to the other.

Alderman Merling stated that the Planning Department has great input into the Committee of Adjustment process. He feared that it would be a waste of money to have the Planning and Development Committee and Council deal with minor variances which can best be dealt with the Committee of Adjustment.

Mr. Zuidema concurred with Victor Abraham that the situation can be reassessed over time. He also added that if an application is turned down at Committee of Adjustment that the applicant can apply for a rezoning through the Planning and Development Committee.

In response to a comment regarding Monster Homes, Alderman Charters stated that the Committee of Adjustment listens to the recommendations of the Planning Department and also listens to the concerns of the applicants and residents. He advised that in the majority of cases the Committee upholds the policies and decisions of Council through their decisions at Committee of Adjustment.

Alderman D'Amico added that the Aldermen on the Committee of Adjustment are the contact people to the Planning and Development Committee and Council. He stated that the present system is working well and he supports it.

Alderman Eisenberger was concerned with the fact that definitions regarding major and minor variances are not clear to which Victor Abraham stated that it is difficult to determine major and minor.

Following discussion, the Committee moved to receive the report of the Director of Planning and Development and the Building Commissioner and the Chief Administrative Officer dated 1996 January 17.

8. BUILDING COMMISSIONER

129 Broadway Avenue Demolition Permit (pulled from Consent Agenda for discussion)

Alderman Kiss submitted a petition from area residents opposing the demolition.

Mr. and Mrs. Jim Bechtel of 9 Sanders Boulevard were present. Mr. Bechtel advised that he is representing the neighbourhood concerns. He said that many people want to exploit the conditions in these neighbourhoods. He advised that property owners are not building single family dwellings, but lodging homes and that all the residents are opposed to this type of dwelling.

Alderman Caplan and Alderman Kiss concurred that the application should be denied in a similar fashion to 30 Norfolk and 23 Leland which were denied at meetings of the Planning and Development Committee and Council in late 1995.

Following discussion, the Committee resolved to recommend to Council as follows:

That the Building Commissioner be directed not to issue a demolition permit for a single family dwelling at 129 Broadway Avenue.

9. CONSENT AGENDA

A. Adoption of Minutes

The minutes of the meeting held 1996 January 24 were adopted as circulated.

As recommended in various reports in the Consent Agenda the Committee recommended to Council as follows:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) Eighth Annual Business Development Seminar -
dated 1996 January 29

That \$4,000. be provided for the Eighth Annual Business Development Seminar that is being held on 1996 October 23, from Phase IV of the downtown Action Plan Account Number CF 5200-428803000.

(b) Ottawa Street Business Improvement Area -
Request under the Commercial Improvement Program
dated 1996 January 31:

That the Ottawa Street B.I.A.'s request to utilize \$7,142. of the Commercial Improvement Program monies towards a mural project within the B.I.A. boundaries be approved and recovered from account number CF 5698 428705012.

(c) Eighth Annual Public Service Announcement -
dated 1996 January 31:

That the City of Hamilton's Public Works and Traffic Department, in conjunction with The Keep Hamilton Clean Committee, hold The 8th Annual Public Service Announcement Competition through Mohawk College Media studies Program and CHCH-TV at a total estimated cost of \$2,500.

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Proposed Draft Plan of Condominium by Bartonellis Holdings Limited,
350714 Ontario Limited, Rosa Lardi - 30 Summit Avenue, Eastmount
Neighbourhood (CDM-CONV-95-009); - dated 1996 January 23

(i) That approval be granted to application CDM-CONV-95-009 submitted by Bartonellis Holdings Limited, 350714 Ontario Limited, Rosa Lardi, owner, for a draft plan of condominium located at 30 Summit Avenue to provide for a condominium comprised of a 7 storey apartment building containing 38 individual apartment condominium units, subject to the following conditions:

- (1) That this approval applies to the attached draft plan dated January 18, 1996 prepared by Consoli & Jacobs Surveying Ltd.;
- (2) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;
- (3) That prior to approval of the final plan,

- aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and
 - bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, it is required that the building's non-compliance to the existing Site Specific By-Law 73-13 as amended by Committee of Adjustment A-74:50 be rectified by a re-zoning or minor variance;
- (4) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-009);
 - (5) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - (6) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
- (ii) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.
- (b) **Proposed Draft Plan of Condominium by Roy Megna (In Trust) - 2373 King Street East, Glenview East Neighbourhood (CDM-CONV-95-003) - dated 1996 January 22:**
- (i) That approval be granted to application CDM-CONV-95-003 submitted by Roy Megna (In Trust), owner, for a draft plan of condominium located at 2373 King Street East to provide for a condominium comprised of a 5 storey apartment building containing 39 individual apartment condominium units, subject to the following conditions:
 - (1) That this approval applies to the attached draft plan dated March 24, 1995 prepared by Consoli & Jacobs Surveying Ltd.;
 - (2) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;
 - (3) That prior to approval of the final plan,

- aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and
 - bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, it is required that the building's non-compliance with General Zoning By-law 6593 namely the existence of a 39th unit be rectified by a re-zoning or minor variance;
- (4) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-003);
 - (5) That the owner shall have satisfied all requirements, financial and otherwise of The Regional Municipality of Hamilton-Wentworth and that the City be advised by The Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from The Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - (6) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
- (ii) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

D. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Intention to Designate the Burlington Canal Lighthouse and Keepers Dwelling - 1996 January 29

- (a) That approval be given to the "Intention to Designate" the Burlington Canal Lighthouse and Keeper's Dwelling complex at 1159 and 1155 Beach Boulevard as a property of historical and architectural value as outlined in the Reasons for Designation attached hereto and marked as Appendix "E", pursuant to the provisions of the Ontario Heritage Act, 1989; and,
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1989.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee acknowledged receipt for information purposes the following items which were forwarded to the Members of the Committee under separate cover:

- (a) Board of Education for the City of Hamilton re: Representatives on the Planning and Development Committee dated 1995 December 12.
- (b) City Solicitor re: Administrative Tribunal Update dated 1996 January 17.
- (c) Director of Planning and Development re: Approved Site Plan Control Application dated 1996 January 31.
- (d) CAPIC re: CAPIC - Current Focus and Membership Update dated 1996 January 30.

10. **PRIVATE AND CONFIDENTIAL AGENDA**

The Committee adjourned into closed session to discuss personnel matters and reconvened immediately thereafter with no report.

11. **OTHER BUSINESS**

The Chairperson advised the Committee that there will be a recommendation on the Planning and Development Committee report:

That the City Council reaffirm its decision of 1995 November 28 that application CD-95-010 under the Rental Housing Protection Act, 350 Concession Limited, owners, for conversion of 27 rental apartment units for the property located at 350 Concession Street be denied for the following reasons:

- (a) Approval of the application would have an adverse impact on the supply of affordable rental apartment units in the City of Hamilton zone.
- (b) There is lack of alternative vacant units within the Hamilton Mountain zone to which existing tenants could relocate.

The purpose of this reaffirmation is so that a notice of the decision of Council can be circulated for the appeal period which follows. Originally in November 1995 the decision of Council was not circulated as notification.

12. **ADJOURNMENT**

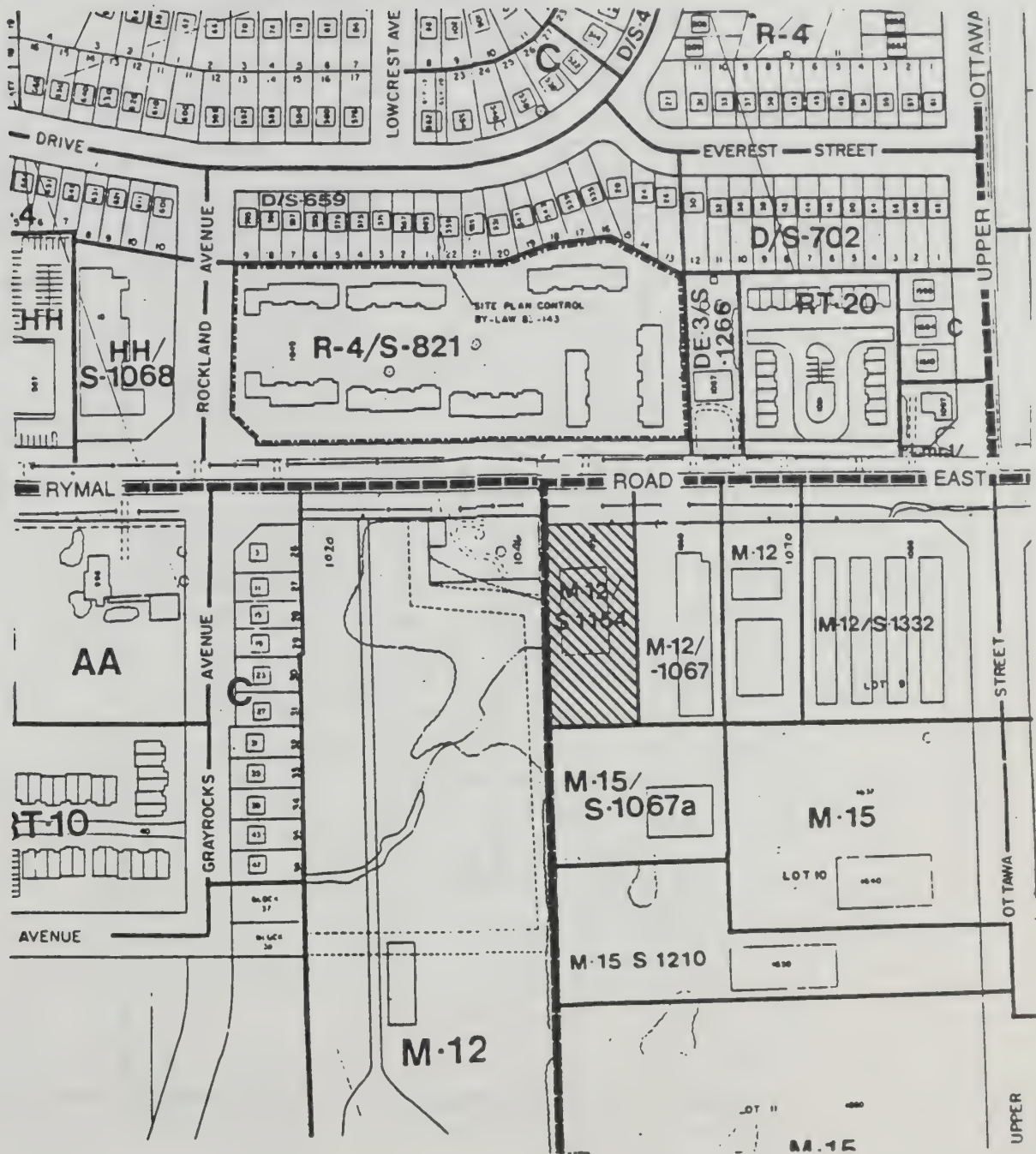
There being no further business, the Committee meeting adjourned.

Taken as read and approved.

Alderman Don Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary

Appendix "A" as referred
to in Section 1 of the
Planning and Development
Committee minutes dated
1996 February 7.



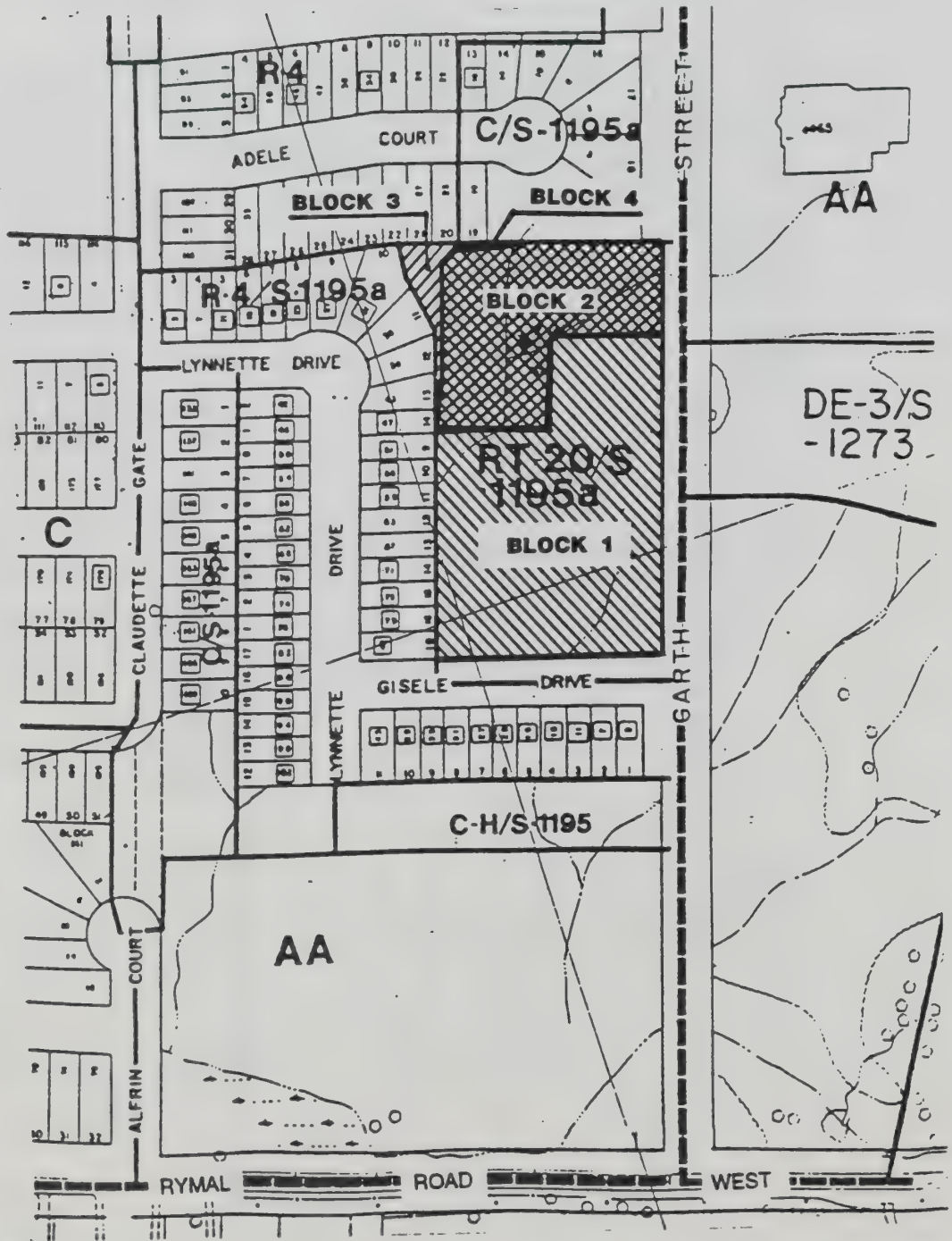
Legend



Site of the Application



Appendix "B" referred to in Section 2(A)(a) of the Planning and Development Committee minutes dated 1996 February 7.



Legend

Proposed change in zoning :



BLOCK 1



BLOCK 2

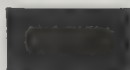
Further modification to the established "RT-20" (Townhouse - Maisonette) District.

BLOCK 3

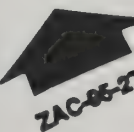


From "RT-20" (Townhouse - Maisonette) District modified, to "R-4" (Small Lot Single Family Dwelling) District.

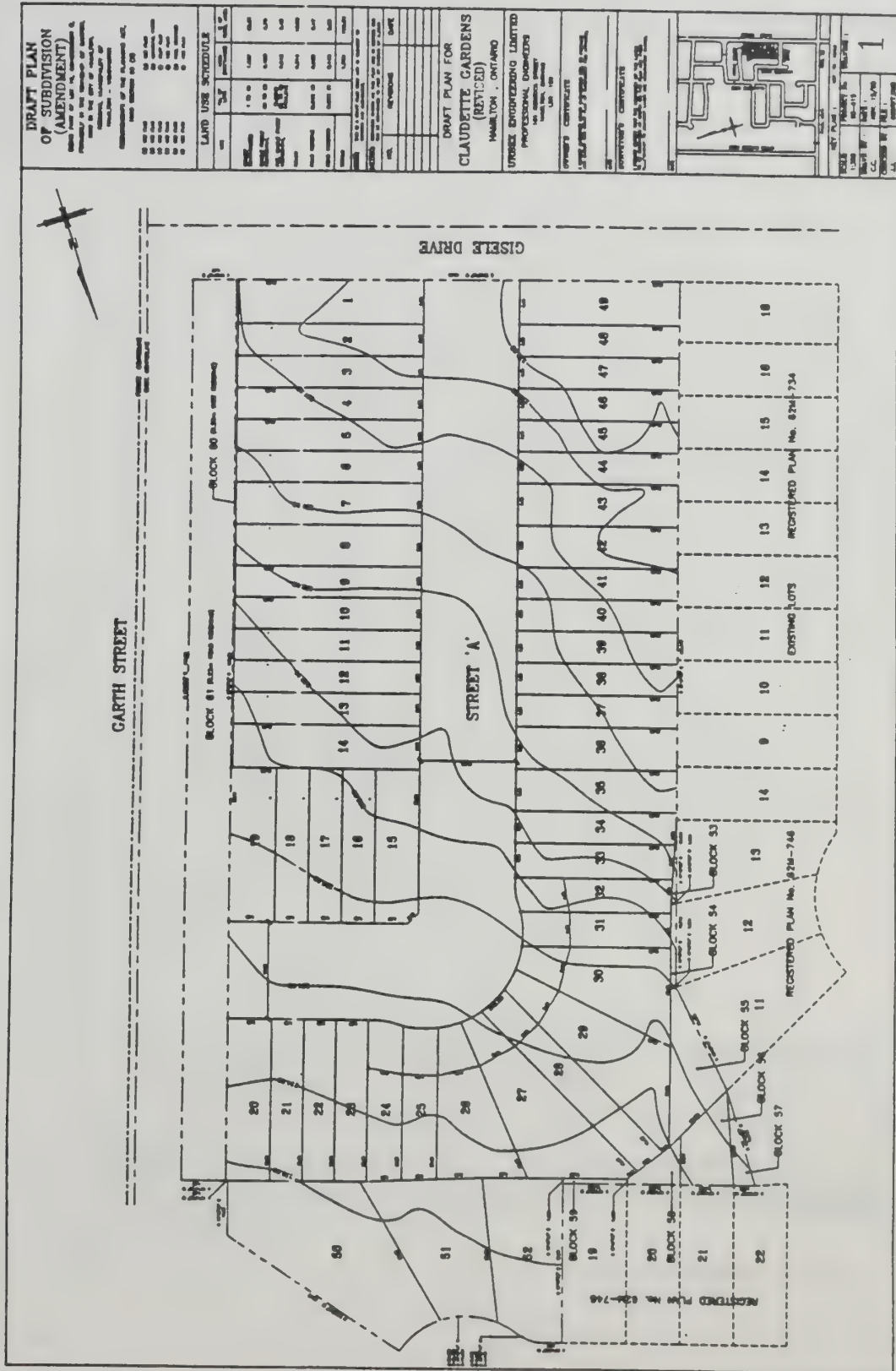
BLOCK 4



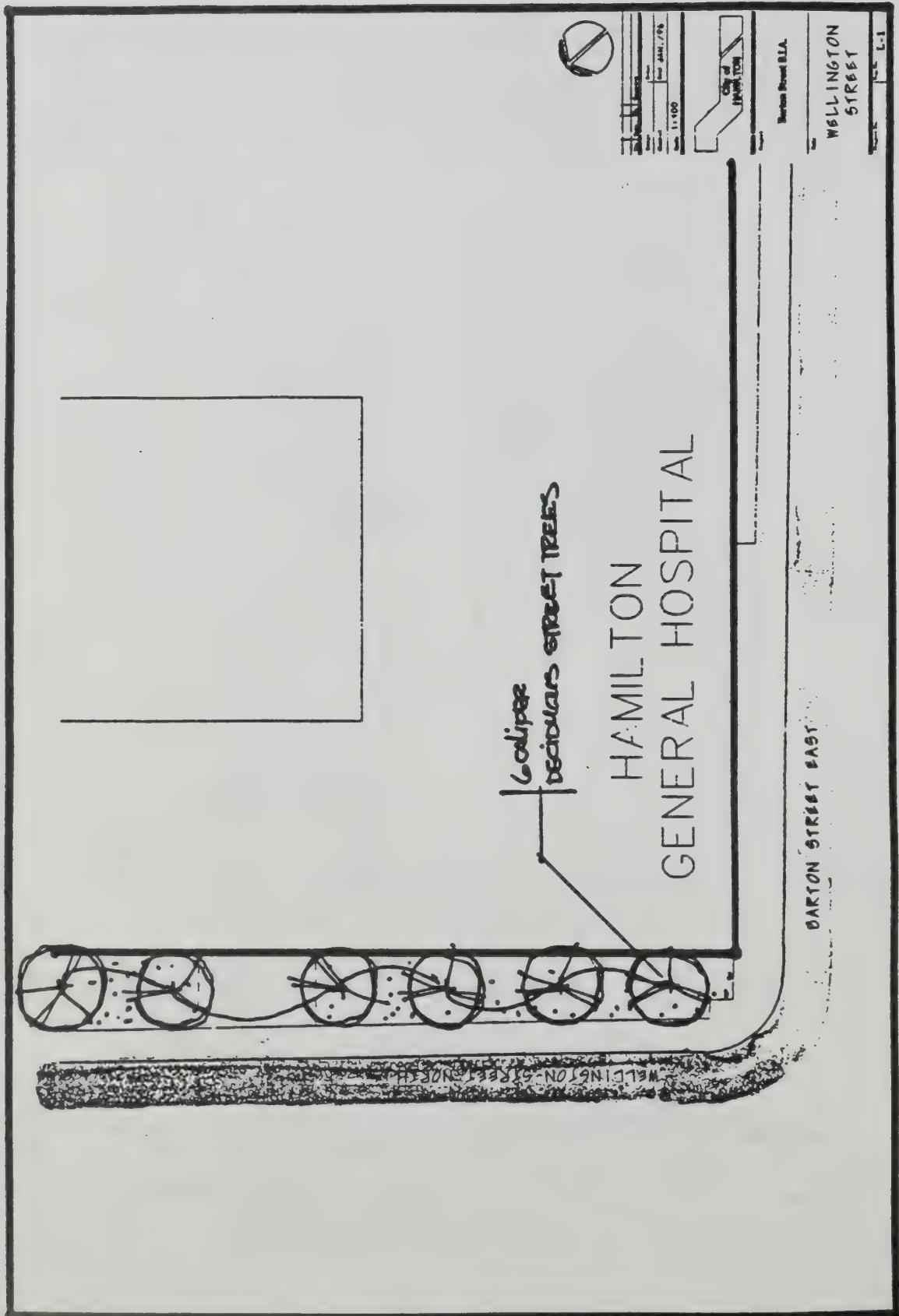
From "RT-20" (Townhouse - Maisonette) District modified, to "C" (Urban Protected Residential, etc.) District.



Appendix "C" as referred
to in Section 2(A)(i) of the
Planning and Development
Committee minutes dated
1996 February 7.



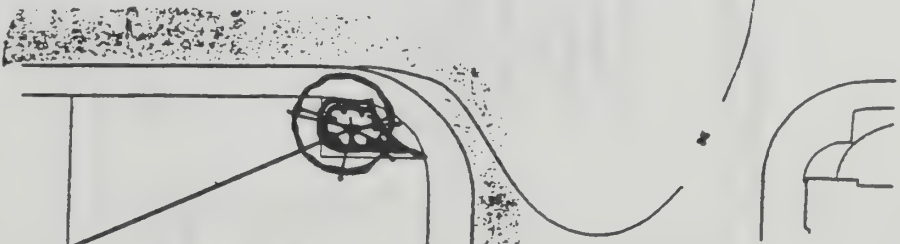
Appendix "D" as referred
to in Section 6 of the
Planning and Development
Committee minutes dated
1996 February 7.



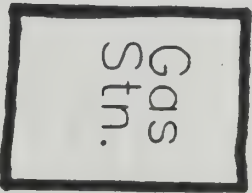
HGH



VICTORIA STREET

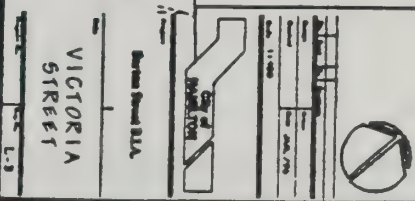


100' DEEP DECIDUOUS STREET TREE
LOW DECIDUOUS & BROADLEAF EVERGREENS
LOW CONCEPTS PROTECTION CURBSIDE



PARKING AREA

DARTON STREET EAST



VICTORIA STREET

EMERALD STREET

APRIL 'A'
2-4-1942 DECISION
SPRING 1942
low decision
+ 10-10-1942
EMERALD STREET
low decision
PROTECTION UNIT

SPRING AREA 'B'

DARTON STREET EAST

EMERALD STREET

EMERALD STREET

EMERALD STREET

DATE	11-11-1942
TIME	10:00 AM
BY	W. J. H. H.
FOR	W. J. H. H.



FARAH FOODS

PARKING AREA

ST. MATTHEWS AVENUE

SMITH AVENUE

Crosswalk

DARTON STREET EAST

3 adipex deciduous street trees
low deciduous and broadleaf
evergreen shrubs
low concrete protection curb in

low broadleaf evergreen
+ deciduous shrubs.
low concrete protection
curb in
additional concrete curb
at corner.

Scalper deciduous
street trees
low scatter Boulevard



Public Works BLD.

ST. MATTHEWS
STREET

1-1

REASONS FOR DESIGNATION

Burlington Canal Lighthouse and Keeper's Dwelling 1159 and 1155 Beach Boulevard Hamilton, Ontario

Context

The lighthouse and adjacent keeper's dwelling, built respectively in 1858 and 1857, are located just south of the Burlington Canal on the strip of land dividing Hamilton Harbour and Lake Ontario. The lighthouse, a *recognized federal heritage building*, marks the entry into the protected waters of the harbour.

Once a prominent landmark on the Beach Strip, the still impressive 55-foot high circular stone structure is now overshadowed by the adjacent steel tower of the vertical lift bridge and elevated roadway to the east and the Skyway Bridge to the west. Gone from its turn-of-the century setting, when the Beach Strip was a popular summer resort, are the Royal Hamilton Yacht Club quarters (1892-1915), the hotels, boardwalk, and the road and railway swing bridges.

History

The lighthouse complex is closely associated with Hamilton's development as a major lake port, which began with the opening of the Burlington Canal in 1832. The first lighthouse and keeper's dwelling, both frame buildings erected in 1837, were destroyed by fire in 1856 and subsequently replaced by the present stone and brick structures. The lighthouse served as an important navigational aid for cargo ships and pleasure craft until 1961 when it was removed from service and superseded by a modern light erected on the new lift bridge. The house, moved a short distance to its present site in the late 1890s, was continuously occupied until 1991 by five successive lightkeepers. The lighthouse and keeper's dwelling are the oldest surviving buildings on the Beach Strip and the only intact structures linked to Hamilton's mid-19th century port function.

Architecture

The lighthouse and keeper's dwelling together constitute one of few extant historic light stations in Ontario. Of the seven surviving lighthouses on the Canadian side of Lake Ontario, only Burlington Canal retains its original lightkeeper's residence. Moreover, relatively few Canadian lighthouses were constructed of stone, most of which predate Confederation. Of eight known examples erected on Lake Ontario, the Burlington Canal lighthouse is now one of only four remaining.

Constructed of squared white limestone blocks laid in regular courses, the lighthouse features slit windows with cut stone sills, a round-arched doorway and a 12-sided iron-framed lantern (dating from 1891 when the original one was replaced). It was erected by the renowned Scottish mason from Thorold, John Brown, the builder of six similar lighthouses on Lake Huron and Georgian Bay, known as "Imperial Towers" and all still standing.

The brick keeper's dwelling, a 1 1/2 storey, side-gabled structure with a three-bay facade and parapet end walls, is similar in form to the stone dwellings built in conjunction with the six Imperial Towers, some of which also have raised parapet walls with built-in end chimneys. A distinctive feature of the Burlington Canal lightkeeper's house is the corbel detail of the raised parapets, which is characteristic of Hamilton's 19th century worker housing. The large window openings are accentuated by cut stone sills and lintels. Minor alterations over the years include the replacement of the original six-paned window sashes with single-paned sashes; replacement of the front door; and the rebuilding of the raised parapets with narrower end chimneys and corresponding loss of decorative brickwork beneath the parapet coping. The front doorway, with its rectangular transom, is now obscured by an enclosed front porch, built in 1945 to replace a full verandah added after 1900.

The stone tower has been preserved virtually intact while the lightkeeper's dwelling has largely retained its original character, despite the changes identified above.

Designated Features

Important to the preservation of the Burlington Canal lighthouse complex are:

1. the stone masonry tower and iron lantern, including the round-arched doorway and tall narrow windows.
2. all four brick masonry facades of the keeper's dwelling, including the parapet end walls, original door and window openings, and stone trim. Excluded are all later additions, including the front porch, and a rear shed and dormer.

Ba)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 12
(OPA-MTV)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

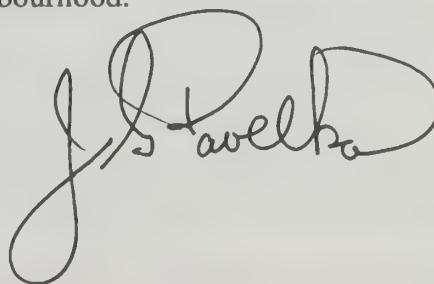
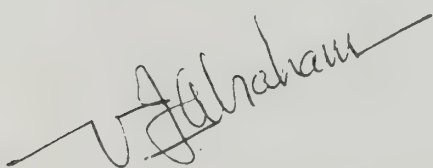
FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Authorization for a Public Meeting - Compromise Solution
for Mountview Neighbourhood

RECOMMENDATION:

That the Planning and Development Committee authorize that an evening public meeting be held to review the revised Official Plan Amendment and Neighbourhood Plan for the lands owned by Chedoke Health Corporation in Mountview Neighbourhood.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Application for an Amendment to the Official Plan

In 1992, an application was received by the Planning and Development Department for lands owned by Chedoke Health Corporation in Mountview Neighbourhood. The application proposed to permit development of the vacant lands surrounding Chedoke

Hospital (the land north, west, and south of the hospital). The substance of the application was as follows:

- the land north of the hospital was to be developed for single-family residential development;
- the land west of the hospital was to be an extension of Mountview Park;
- the land south of the hospital was to be developed for higher density housing: a block of townhouses, a block of 3-5 storey apartment buildings, and a block of 6 storey apartment buildings.

The proposal included extending Chedmac Drive around the existing hospital campus to connect with Scenic Drive.

In July of 1994, a public meeting was held by the Planning and Development Committee to hear the application. At that meeting, it was the decision of the Committee to deny the application. City Council adopted the recommendation of the Planning and Development Committee at its meeting of July 28, 1994 and denied the application.

Chedoke Health Corporation submitted a request for referral of Council's decision to the Ontario Municipal Board to the Regional Municipality of Hamilton-Wentworth. In November of 1994, Regional Council granted Chedoke Health Corporation's request and referred the requested amendment to the Ontario Municipal Board. The Board is aware of the mediation process (described below) and will not set a hearing date until the mediation process is completed.

- Mediation of Neighbourhood Plan Issues

During the public process involved in reviewing the application by Chedoke Health Corporation, several issues and concerns were brought forward by residents of the adjoining communities. In June of 1995, Chedoke Health Corporation submitted a request to the Planning and Development Committee for mediation of the issues with hopes of resolving the matter entirely or, at the very least, narrowing the issues under dispute. The Committee agreed to the request and formed the Mountview Mediation Committee.

The Mountview Mediation Committee consists of the two Ward Aldermen, six residents of Mountview and Westcliffe West Neighbourhoods, and two representatives from Chedoke Health Corporation. Staff from the Planning and Development Department serve as advisers/coordinators for the Committee's work.

The Mediation Committee has held nine meetings to discuss the neighbourhood plan, the neighbourhood concerns, and the plans of Chedoke Health Corporation. Various staff representatives and consultants (for Chedoke Health Corporation) have attended the committee meetings to discuss issues (such as traffic and servicing). Based on the discussions held at the committee meetings, Chedoke Health Corporation prepared a revised neighbourhood plan, called the "Compromise Solution". The Committee unanimously supported the Compromise Solution and agreed to present this alternative

to the residents of the two neighbourhoods. The Compromise Solution is attached to this report as Appendix "A".

Two Open Houses were held in January of 1995 to allow residents the opportunity to review the Compromise Solution. In addition, staff and consultants were present at the Open Houses to discuss matters such as schools, traffic, servicing, and stormwater management. Over and above the Open Houses, two separate, smaller meetings were held regarding specific areas of the neighbourhood. The first meeting was for residents of the Magnolia Drive area regarding the proposed crescent and court of single-family homes off Magnolia Drive. The second meeting was with residents who live north of the hospital (the "San" survey area) regarding the proposed plan of subdivision by Starward Homes. This plan of subdivision, for which the Planning and Development Department has a pending application, is for the lands located between the hospital and the homes on the south side of San Pedro Drive.

Comments received at the two Open Houses and the meetings with residents of the two areas (Magnolia Drive and the San survey) have been largely positive. There appears to be a general consensus that the Compromise Solution addresses the majority of the concerns identified during the review of the 1994 proposal. At this time, the Mountview Mediation Committee and staff are recommending that the Compromise Solution be brought forward to a public meeting for all residents.

CONCLUSION:

On the basis of the foregoing, it would be appropriate to hold a public meeting to receive comments on the Compromise Solution for Mountview Neighbourhood.

MLT/



COMPROMISE SOLUTION

MOUNTVIEW MEDIATION COMMITTEE



ALT. 1 : RETIREMENT HOME (Maximum Height = 6 Storeys)

ALT. 2 : SENIORS TOWNHOUSES (Maximum Height = 1½Storeys)



SENIORS TOWNHOUSES (Maximum Height = 1½Storeys)

Bb)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 13, 1996
(P5-2-21A)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: Authorization for Public Information Meeting -
Draft 1996 Beasley Neighbourhood Plan

RECOMMENDATIONS:

- 1) That the Draft 1996 Beasley Neighbourhood Plan, attached hereto, and marked Appendix "A", be received; and,
- 2) That the Planning and Development Department co-ordinate a Public Information Meeting at the Beasley Park Community Recreation Centre in April to allow Beasley Neighbourhood residents and businesses the opportunity to review and comment on the Draft 1996 Beasley Neighbourhood Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In June, 1993, City Council appointed eight individuals to the "Beasley Neighbourhood Plan Review Team" and charged them with the responsibility of creating a new Neighbourhood Plan for Beasley Neighbourhood. These eight individuals included a Beasley Neighbourhood citizen and business owner and representatives from the International Village BIA, the Downtown BIA, the Beasley Neighbourhood Association, the Ferguson Avenue Redevelopment Advisory Committee, the James Street North business community and the Housing Help Centre.

Staff of the Planning and Development Department have been actively involved in assisting the Review Team in examining their neighbourhood and exploring a number of local concerns and issues. After many working meetings, the Draft 1996 Beasley Neighbourhood Plan has been completed. (Attached as Appendix "A" is the Executive Summary from the document and the main land use schedule, Map One; complete copies of the Plan are available from the Planning and Development Department.)

With the completion of the Draft 1996 Beasley Neighbourhood Plan, the Review Team must now reach out to the broader community of Beasley Neighbourhood residents and business owners and seek comments, opinions and input on the document. Accordingly, a public information meeting is required to be held in the neighbourhood under the direction of the two ward aldermen.

The Draft 1996 Beasley Neighbourhood Plan is a comprehensive document that provides recommendations on a number of concerns and issues including land use, urban design, transportation, crime and safety, and market value assessment. What has become very apparent in the Review Team meetings is that Beasley residents and business owners have a clear desire to restore the pride in their neighbourhood and stem the decline that has occurred in recent years.

As noted in the Draft Plan, the key objective is to promote an attractive and viable neighbourhood that would attract newcomers to Beasley Neighbourhood. Without new population growth in the neighbourhood, both the residential community and the neighbouring business owners will continue to suffer. This is to be achieved by expanding the amount of the green space in the neighbourhood, promoting lower-density forms of new housing, slowing down vehicular traffic, and through urban design measures creating a more attractive urban ambience for residents and visitors.

After public comments have been received from the Neighbourhood residents and business owners, the 1996 Beasley Neighbourhood Plan will be formally submitted to City Council for adoption.

KE/ke

THE 1996 BEASLEY NEIGHBOURHOOD PLAN

APPENDIX "A"

**Prepared By:
The Beasley Neighbourhood Plan Review Team
February, 1996**

1.0 EXECUTIVE SUMMARY

Beasley is a neighbourhood that faces many challenges. Segments of the housing stock are in need of rehabilitation. The current traffic system of wide one-way streets has not been conducive to neighbourhood cohesiveness. The downtown commercial core has been hard hit by the recent recession and broader changes in retail economics. New residential development has had the effect of eroding the historical lower-density character of the neighbourhood. There is a perception of Beasley as a high crime area. The vestiges of Hamilton's industrial past are still apparent with large industrial buildings interspersed among residential blocks with conflicts arising from incompatible land uses. And, the neighbourhood continues to be under-served in terms of green space and recreational facilities.

The 1996 Beasley Neighbourhood Plan is premised on a number of land use planning principles and are as follows:

- 1) The incompatible land uses, in particular industrial and automotive-related, need to be eliminated and as such there are no industrial designations in the 1996 Beasley Plan;
- 2) The amount of green space in the neighbourhood needs to be increased;
- 3) The anticipated growth of the downtown has not occurred. This has resulted in many vacant and underutilized commercial buildings and land parcels on the periphery of the core and has eroded the residential attributes of Beasley. Accordingly, the "reach" of the commercial base in the southern part of the neighbourhood has been scaled back;
- 4) A mix of land uses such as residential or commercial and residential/commercial combined along major thoroughfares is appropriate and needs to be emphasized while recognizing existing building heights;
- 5) The one-way street system for vehicular traffic has not proved conducive to neighbourhood cohesiveness and pedestrian comfort and has created physical barriers. A return to the two-way system is imperative, commencing with Cannon Street and Wilson Street;
- 6) The Perimeter Road needs to be constructed to accommodate heavy truck traffic and divert through traffic away from neighbourhood streets;
- 7) New housing developments should be in a lower density form that will be more compatible with the existing neighbourhood, i.e., single and semi-detached, row/townhouse, and stacked townhouses;
- 8) Medium density residential uses will be encouraged in close proximity to the downtown core while high density residential uses have been eliminated; and,
- 9) The aesthetics of the neighbourhood including the built form and urban spaces must be regarded with greater importance in all public and private land use actions in the neighbourhood.

Map One reflects the **long-term**, i.e., 15 to 20 year, land use objectives for Beasley Neighbourhood, which embody the land use planning principles noted above. Planning documents should provide guidance and direction in regard to development or redevelopment within a neighbourhood, in addition to outlining preferred future land uses. Beasley Neighbourhood contains a number of unique land parcels that may undergo development or redevelopment in the coming years. Accordingly, a number of Special Policy Areas on Map One are noted with the intent to provide further planning guidance in the event a proposal for development and/or redevelopment arises and highlights other areas of importance to the neighbourhood.

Beyond land use planning concerns, there are a number of issues that are apparent in Beasley Neighbourhood that require attention by the City of Hamilton. These issues are of concern to all Beasley residents and businesses as they affect the "quality-of-life" and will contribute positively to the goal of attracting newcomers and creating stability in the neighbourhood. Issues such as the transportation network, the need for market value assessment, crime and safety and vacant lands.

The Beasley Neighbourhood Plan Review Team has prepared the following recommendations:

- 1) **That City Council adopt the 1996 Beasley Neighbourhood Plan document and associated schedules and policies as the revised Beasley Neighbourhood Plan;**
- 2) **That the Planning and Development Department undertake the necessary rezonings to bring the current zoning in Beasley Neighbourhood in line with the goals and objectives of the Beasley Neighbourhood Plan.**
- 3) **That the Parks Division of the Department of Public Works and Traffic commit to the proposed park and green space locations as identified on Map One of the Beasley Neighbourhood Plan and liaise with appropriate landowners in regard to eventual purchase of the identified lands;**
- 4) **That the Advisory Committee on Transportation Issues under the chairmanship of Chief Administrative Officer undertake a fundamental review of Hamilton's one-way street system in the context of the long-term implications on the ambience and vitality of Hamilton's downtown neighbourhoods;**
- 5) **That the Region of Hamilton-Wentworth re-establish a two-way system of traffic flow for Cannon Street and Wilson Street and monitor the transition with a view to expanding the two-way system to other streets;**
- 6) **That Hamilton City Council direct all appropriate civic staff to place an increased emphasis on urban design criteria in the evaluation of all development proposals;**
- 7) **That the Planning and Development Department and the Department of Public Works and Traffic pursue the development of "urban open spaces" on public and/or private lands at the following locations within Beasley Neighbourhood:**
 - i) **Hughson Street and Murray Street, east of the CN Station;**
 - ii) **James Street North and York Blvd;**
 - iii) **King William Street and Mary Street; and,**
 - iv) **King William Street and Jarvis Street.**

- 8) That a focused and comprehensive street tree planting program for the entire Beasley Neighbourhood be established through the "Street Tree Planting Program" operated by the Forestry Section of the Department of Public Works and Traffic;
- 9) That the Roads Department investigate all streets in Beasley Neighbourhood and throughout the downtown core neighbourhoods that can be narrowed to better accommodate pedestrian traffic and create a more attractive urban atmosphere;
- 10) That the Planning and Development Department and the Building Department revise the Hamilton Zoning By-law by requiring a minimum 3.0 metre front yard depth in all residential, commercial and Central Business District zoning districts that currently do not have front yard depth requirements;
- 11) That the Planning and Development Department and the Building Department undertake a review of the City of Hamilton Zoning By-law to incorporate the principle of maximizing sun exposure on city streets through zoning by-law provisions. Further, that Hughson Street, King William Street and Ferguson Avenue North be recognized as key pedestrian-oriented streets and selected as pilot projects for incorporating sun maximization techniques at all planning approvals stages;
- 12) That the Planning and Development Department investigate the use of "sunset clauses" for rezoning applications;
- 13) That the Hamilton-Wentworth Regional Police re-establish a storefront office on James Street North and have a greater number of on-street beat patrols in Beasley Neighbourhood and throughout the City of Hamilton; and,
- 14) That Hamilton City Council request the Ontario Ministry of Revenue to update the real property market values used as the basis for determining assessed values for property tax purposes for all properties in the City of Hamilton.

Bc)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 February 7
DA-95-34 (DA-93-23)
Ainslie Wood West Neighbourhood

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

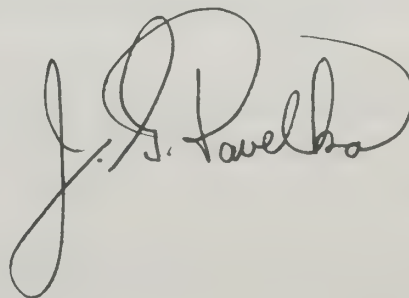
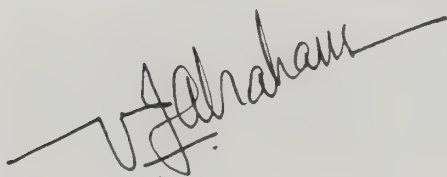
SUBJECT: Site Plan Control Application DA-95-34 to amend approved plans of Site Plan Control Application DA-93-23 for construction of additional columbarium niches at White Chapel Memorial Gardens Cemetery at 1895 Main Street West.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-95-34, by White Chapel Memorial Gardens, owners of the lands at 1895 Main Street West as shown on the attached map, for construction of additional columbarium niches, and that the owner not be required to enter into the Site Plan Control Agreement nor provide securities for the project, and that notice of the decision be published in accordance with the requirements of the Cemeteries Act.

EXPLANATORY NOTE:

In accordance with the Cemeteries Act, municipal approval is required for increase in the size of the columbarium. The proposed additional columbarium niches are within the lands of the existing property.



BACKGROUND:

Plans have been submitted for construction of additional columbarium niches at White Chapel Memorial Garden Cemetery at 1895 Main Street West as located on the attached map. At the southerly section of the cemetery lands, three sections will be modified for the additional niches. An existing mausoleum will have its northerly wall refaced to provide wall mounted niches. Nearby, an existing slope in the terrain will be reconstructed to provide a retaining wall with niches incorporated into the structure. The garden area to the east of the mausoleum will also have ground plots provided in a garden setting. To the north of this area, ten (10) freestanding walls will be constructed, each approximately 3.6m (12 ft.) long, 0.9m (3.25 ft.) wide, varying in height from 1.4m (4.5 ft.) to 2m (6.5 ft.) high. Both sides of the walls will have niches and will be surrounded with hard surfaced walkways combined with plantings along the natural watercourse that goes through the area.

The areas will be developed in stages.

COMMENTS RECEIVED:

- The Roads Department has advised that:

"As the subject lands being developed are internal to an existing site, and as long as the applicant/owner is not intending to block and existing drainage courses, we have no objection to the proposed development with respect to grading.

As the subject lands abut Highway #403 which is under the jurisdiction of the Ministry of Transportation of Ontario, comments from them with respect to setbacks and Building Land Use Permits should be considered."

- The Building Department has commented that the location is within the jurisdiction of the Niagara Escarpment Commission. Structures located northerly to the Hydro Electric Power Company lands, save a memorial stone or monument, are required to be at least 30.0m (98.43 ft.) from the nearest lot line.
- The Traffic Division has no comment.
- The Niagara Escarpment Commission has advised the following:

"The portion of the cemetery proposed for development is within the Urban Area designation of the Niagara Escarpment Plan. The proposed development would appear to be consistent with the policies of this designation, given that the lands are designated for the use in the City of Hamilton Official Plan.

Be advised that the area proposed for development requires a Develop Permit from the Niagara Escarpment Commission prior to issuance of a building permit from the City of Hamilton."

- The TransCanada Pipelines has indicated that they have no objections or comments.
- The Ontario Ministry of Transportation has advised that they have no comments.

COMMENTS:

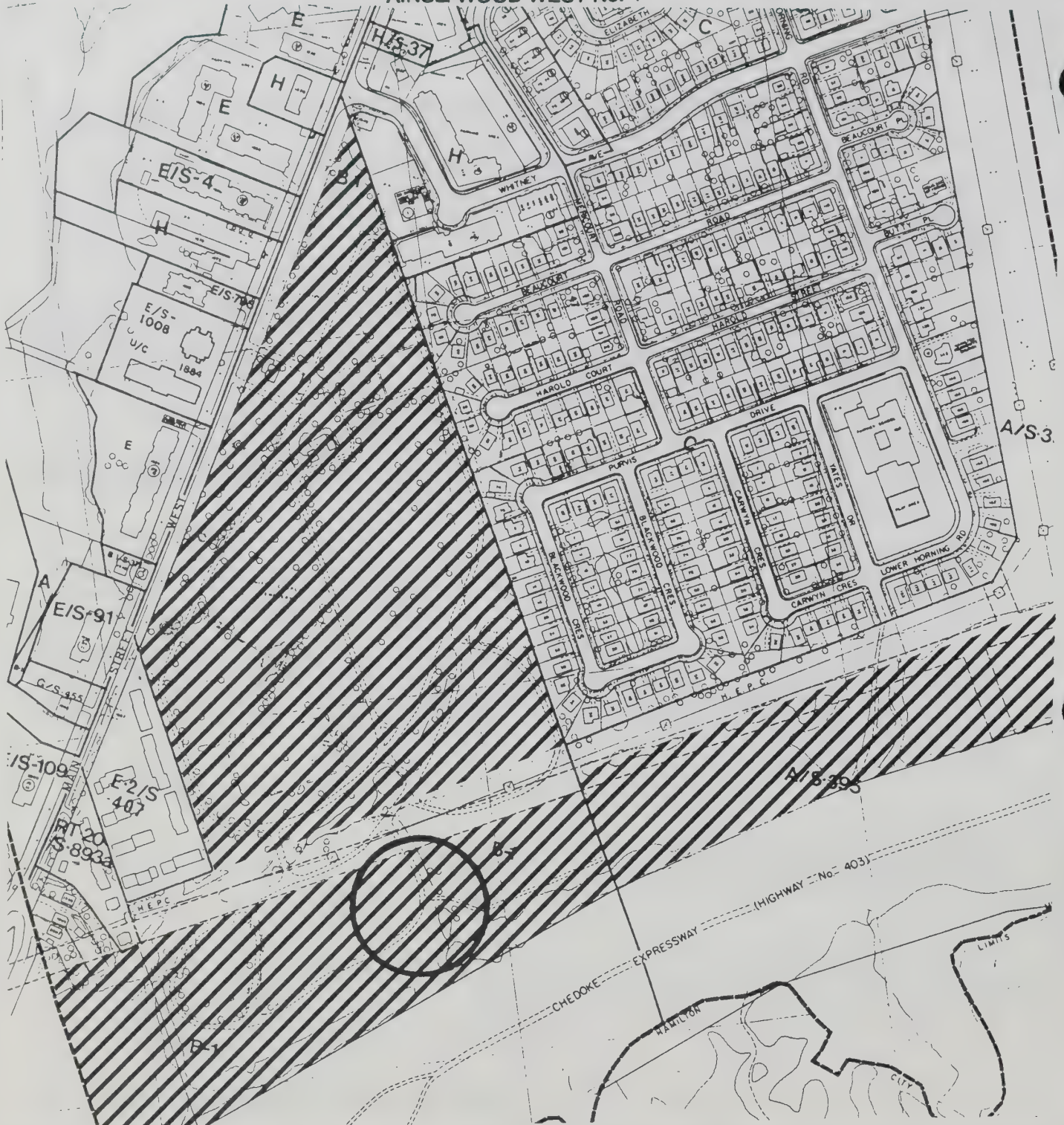
The proposed crematory niches have been designed and located at the south-east section of White Chapel Memorial Garden Cemetery, in an area already established with similar features. The new features are located well within the property, more than 200 feet from adjacent property lines and will only affect its immediate surroundings.

Although the lands are not subject to Site Plan Control, the established procedures allow a co-ordinated response to the proposed development. Accordingly, the development should not require the Site Plan Agreement or the securities for the proposed works.

The lands are subject to the Niagara Escarpment Control and requires a development permit. Subject to the approval of the Niagara Escarpment Commission, the proposal is satisfactory.

In accordance with the Cemeteries Act the new columbarium requires municipal approval and conformance to procedures outlines in the Act. Accordingly, the recommendation must be forwarded to City Council for approval and the decision published in a local newspaper for public notification.

AINSLI WOOD WEST No. 4



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control
Application DA-95-34

Planning and Development Department

Legend



Site of the Application and
Location of Development

North

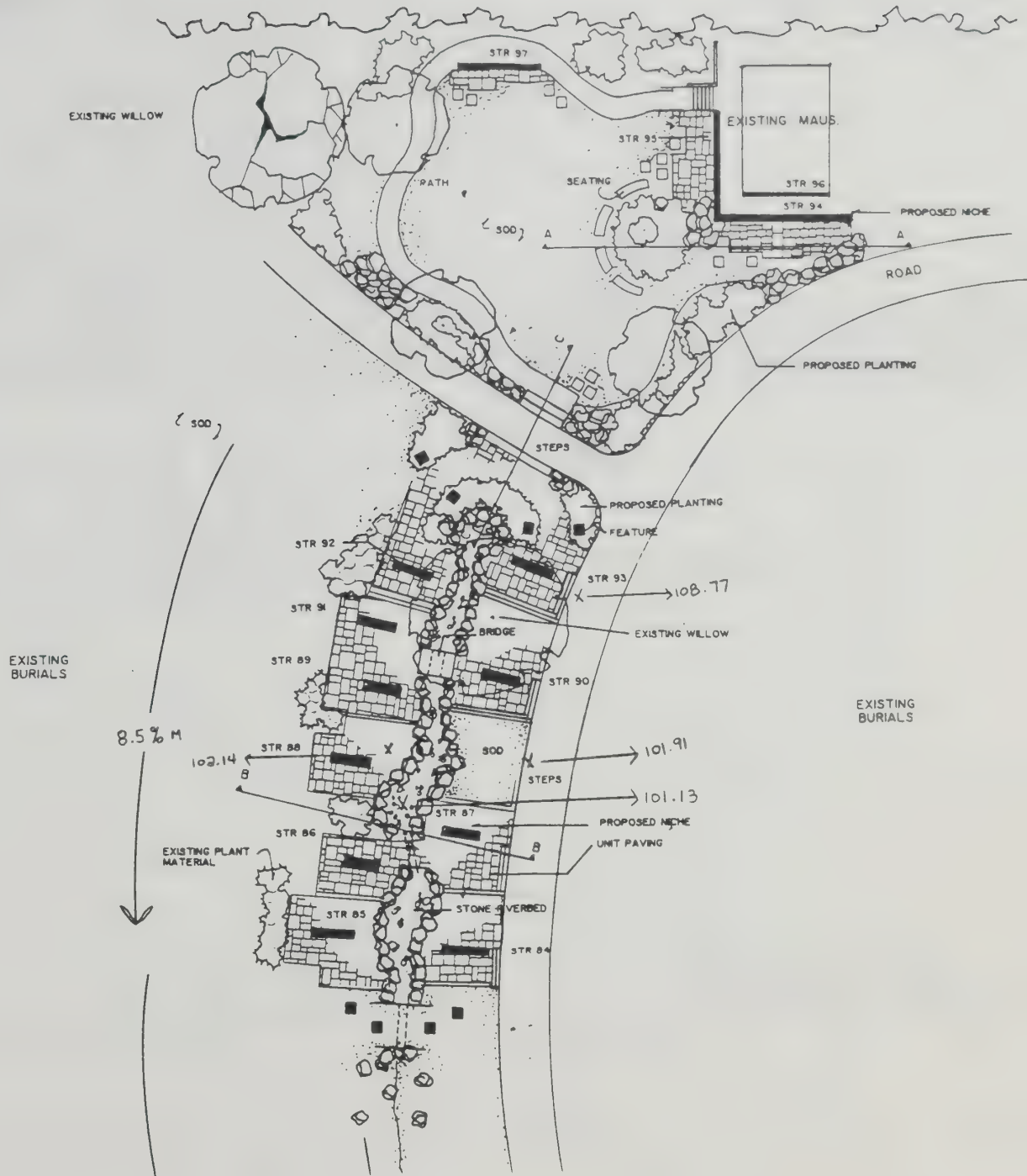


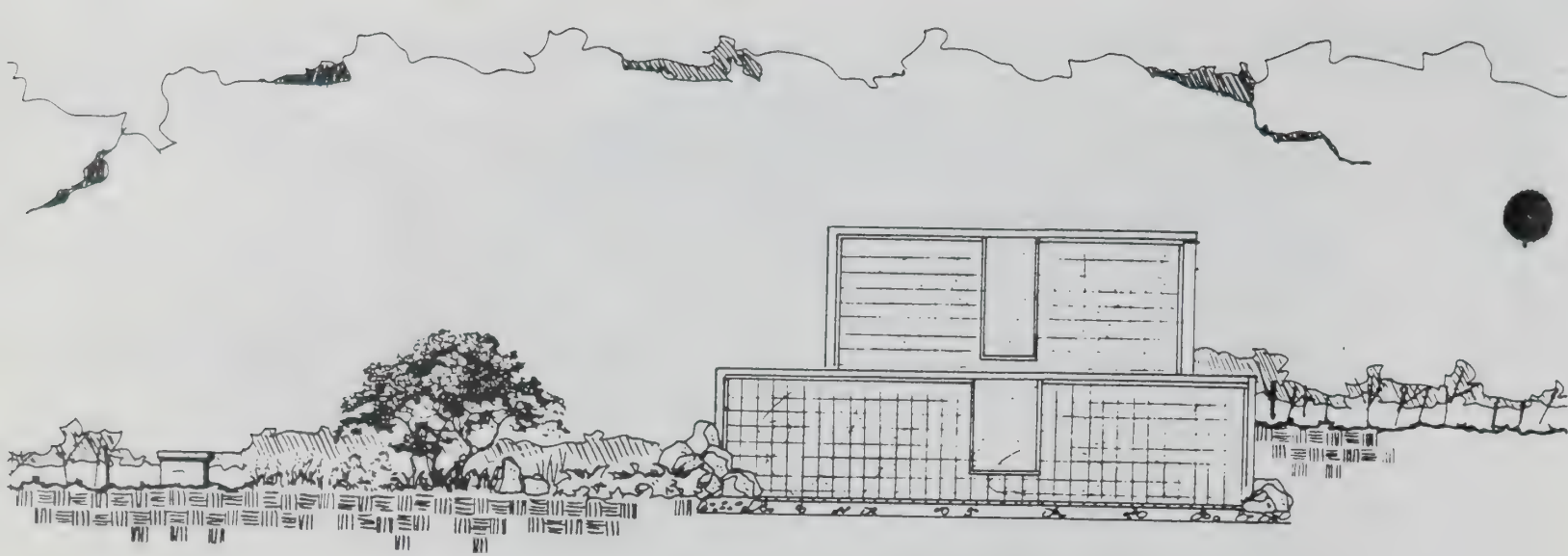
Scale
Not to Scale

Date
December 1995

Reference File No.
DA-95-34

Drawn By
C.M.



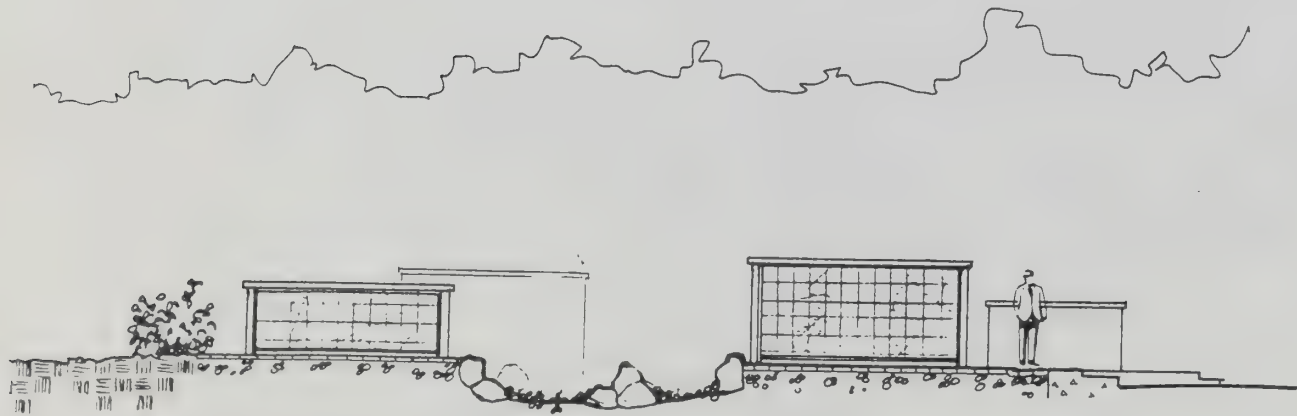


ACE

GARDEN

EXISTING MAUS. WITH PROPOSED
RET. WALL AND NICHE

EXISTING GARDEN



NG GARDEN

PROPOSED NICHE

STONE RIVERBED

PROPOSED NICHE

ROAD

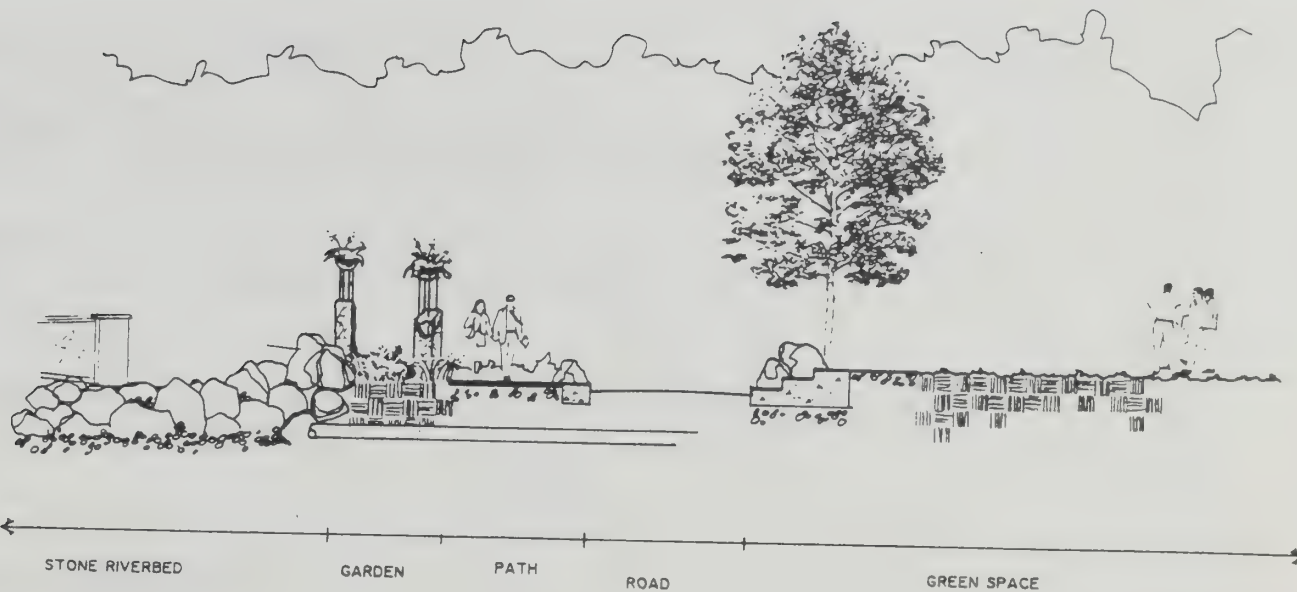
EXISTING GARDEN

PROPOSED NICHE

STONE RIVERBED

PROPOSED NICHE

-C SECTION



Ca)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: 1996 APA National Planning Conference, April 13-17,
Orlando

RECOMMENDATION:

- (a) That the Chairperson of the Planning and Development Committee or his designate be authorized to attend the 1996 APA National Planning Conference, April 13-17, Orlando; and,
- (b) That costs for attendance be allocated to Aldermen Travel Account No. CH55201 10010 from the 1996 Operating Budget.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Mull

Costs to be charged to Aldermen Travel Account No. CH55201 10010.

BACKGROUND:

Attached hereto please find details regarding the conference program.

AMERICAN PLANNING ASSOCIATION

1996 APA National Planning Conference



**April 13-17
Orlando**



PLANNING FOR TOMORROW'S WORLD

topics at a glance

APA/AICP

AICP Exam Review 22, 25
AICP's Planners' Casebook 18

Citizen Participation

Citizen Involvement Beyond Visioning 24
Collaborative Planning 17
Community Planning Teams 24
Increasing Social Trust 19
Shaping Planning Policy 29

Comprehensive Planning

A Plan for America's Capital 22
Economy, Ecology, and Community 20
Florida Comprehensive Planning 19
Health and Human Services Planning 17
Horizon West 19
Implementing Growth Management 18
Meadowlands Management Plan 25
Old Fashioned Planning at the Speed of Light 29
Planning for Disney's Celebration 29
Planning for the 21st Century 26

Disaster Planning

Planning for Post-Disaster Recovery 22

Downtown Planning

Corridor Action Plans 14
Downtown Entertainment Districts 20
Downtown Orlando (MW) 13
Downtown Transportation Systems 25
Lake Wales Main Street Program (MW) 12
Reinforcing the Center City 15
Tampa Aquarium and Downtown Development (MW) 12

Economic Development

Altamonte Springs (MW) 11
Convention and Resort Planning 15
Downtown Entertainment Districts 20
Economic Development Round Table 24
Economic Impact Analysis 14
Economy, Ecology, and Community 20
Encouraging Investment and Empowerment 25
Gambling with History 24
Gambling with the Future 24
Gaming and Native American Self-Governance 14
Immigrants and World Cities 26
Lake Wales Main Street Program (MW) 12
Marketing the City as a Retail Entity 26
Metropolitan Mega-Projects 22
Orange County Convention Center (MW) 11
Parks and Recreational Areas 26
Planning for the 21st Century 26
Recycling Federal Real Estate 15
Regional Information Economic Development 21
Reinforcing the Center City 15
Retail Market Analysis 25
Signage and Economic Development 22
Sustainable Economic Development 28
Tampa Aquarium and Downtown Development (MW) 12
Theme Attractions and Entertainment Centers 17
TIF and Single-Purpose Development 20
University Partnerships 18
Urban Entertainment Destinations 27
Value Added Planning 17

Education

Empowering Children 14
Kids City 17
Planning Practice Research 17
Preparing Alaska Native Youth 28
Reinventing Community Planning: Youth Forum 17

Environment

Are the Everglades Doomed? 18
Biological Services Planning Partnership 25
Brownfield Sites 26

Canaveral National Seashore (MW) 11
Congress and the Environment 18
Cost-Effective Environmental Planning 20
Cross Florida Greenway (MW) 12
Disney's Accent on the Environment (MW) 12
Disney's Walker Ranch Wilderness Preserve (MW) 10
Econlockhatchee River Preservation (MW) 12
Economy, Ecology, and Community 20
Electric and Magnetic Field Policy 19
Environmental Justice 26
Florida's Water Management Districts 28
GIS and the Statewide Plan for Greenways (MW) 10
Kissimmee River Restoration (MW) 13
Land Use and Environmental Cases 18
Meadowlands Management Plan 25
Measuring Environmental Performance 15
Open Space Planning 20
Rocksprings Run Canoe Trip (MW) 10, 12
Solid Waste Planning 27
Split Oak Forest Mitigation Park (MW) 13
Sustainable Communities 16
Sustainable Watershed Management 22
Systemwide Watershed Management 20
Tree Ordinances 23
Water Quality Issues 15
Wellhead Protection 28

Federal Planning

Canaveral National Seashore (MW) 11
Environmental Issues Facing Federal Facilities 25
Federal Planning in the Future 24
It's Not All Base Closings 14
Kennedy Space Center (MW) 10
Kissimmee River Restoration (MW) 13
Orlando Naval Training Center Reuse (MW) 10, 12
Recycling Federal Real Estate 15
Unified Permitting at Fort Devens 29

Growth Management

Adequate Public Facilities Ordinances 27
Administering Impact Fees 28
Community Services and Open Space Protection 20
Costs of Sprawl 22
Dark Side of Growth Management 27
Florida Growth Management 28
Growth Management Techniques 28
Implementing Growth Management 18
Planning in Puget Sound 26
Public Education in Diverse Communities 27
Transportation & Growth Management in Oregon 22
Unified Permitting at Fort Devens 29
Urban Growth Boundaries 26

Historic Preservation

Gambling with History 24
Gambling with the Future 24
Heritage Parks and Planning 22
Lake Wales Main Street Program (MW) 12
Parramore Heritage Neighborhood Revitaliation (MW) 12

Housing

Affordable Housing in Florida 24
Approaching Habitat II 21
Coalition for the Homeless (MW) 10
Consolidated Planning/Coordinating Resources 14
From St. John's College to Baden Square 24
Infill Housing 20
Multifamily Density, Single-Family Character 27
Muncie "Home Center" 19
Residential Needs of the Elderly 17
Rethinking Manufactured Housing for Cities 19
South Apopka Story (MW) 12
Visionary Community Building 18

Information Technology

Collaborative Community Information Systems 20
Computer Visualization 25

Decision Making with GIS 27
GIS and Conservation Suburbs 27
GIS and the Statewide Plan for Greenways (MW) 10
GIS and Travel Demand Forecasting 22
GIS: What Every Planning Director Should Know 15
How Useful Is GIS Technology? 18
Impact Analysis Software 29
Internet for Novices 26
New Data Sources 19

Intergovernmental Relations

A Multijurisdictional Approach 27
Coordinating Land Management Plans 29
Making Governments Plan 18
National Rural Development Partnership 23
Partnerships for Building Consensus 19
Regional Plans for the 21st Century 28
Water Quality Issues 15

International Planning

Building a "New Town" in New Guinea 29
Immigrants and World Cities 26
Monitoring Change in Global Cities 23
Planning Barcelona 25
Planning China's Cities 22
Professional Exchange Experience 29
Rebuilding Kobe, Japan 23

Law/Land-Use Controls

Avoiding Takings 17
Challenges of Wireless Communication 21
Computer-Based Land-Use Regulations 24
Coordinating Land Management Plans 29
Developments of Regional Impact 22
Enforcement, Mediation, and Litigation 28
Greenways 28
Impact Analysis Software 29
Is Local Government Best Planner and Regulator? 14
Land Use and Environmental Cases 18
Land-Use Classification Systems 22
Land-Use Exactions After *Nollan* and *Dolan* 24
Metropolitan Mega-Projects 22
Planning Statute Reform 25
New Directions in Land-Use Regulation 24
Nuts & Bolts of Unconstitutional Takings Claims 22
Open Space Planning 20
The Property Rights Revolution 24
Regulatory Reform and Takings 16
Return of the Grand Parks System Plan 25
The Takings War 18
Takings, Windfalls, and Wipeouts 16
Transfer of Development Rights 29
Unique Florida Case Law 27
Washington's Reg Reform and Innovation 16

Management

Customer Service Orientation 24
Decision Making with GIS 27
Definitive Guide to the Development Process 22
Increasing Social Trust 19
Leadership in the '90s 25
Placemaking 14
Planning Departments Facing Change 16
Quality Communication 16
Reinventing the Planning Organization 23

Neighborhood Planning

Communities for Learning and Living 28
Loch Haven Park (MW) 11
Mills Avenue and Thornton Park (MW) 10
Neighborhood Revitalization 14
Orlando's Traditional City (MW) 11
Planning for People and Place 18
Turning Around Inner-City Neighborhoods (MW) 12

Planning Commissions

Bringing the Plan to Life 27
Decision-Making Processes 16
Making Impact Fees Work 19

Making Sound Decisions 19
 Multimedia Presentations and GIS 20
 NIMBYs and Commissioners 18
 Now Tell Me What to Do 17
 Our Town Commission Meeting 23
 Parliamentary Procedure for Commissions 22
 Planning Commissioner Clinic 28
 Planning Commissioner Round Tables 17
 Planning Pursuit 16
 Practical Guide to Sign Control 23
 Regulating Conflicts of Interest and Ethics 24
 Visioning for Planning Commissioners 25
 Welcome to the Planning Commission 14

Planning History

Florida Reminiscences 29
 Historic New Towns 20

Private Practice

It's Not All Base Closings 14
 Marketing the Consulting Firm 17
 RFPs, RFQs, and the Brooks Act 23
 Starting Your Own Consulting Firm 18
 Using the Internet 17

Professional Skills

AICP Exam Review I, II 22, 25
 Assessing Specialization and Skills Demand 23
 Effective Advocacy Skills for Planners 25
 Ethics I, II, III 16, 18, 20
 New Planners in the Job Market 23
 Quality Communication 16
 Planners and the Media 24
 Planning and the State Legislative Process 16
 Planning Practice Research 17
 Powerful Presentation Skills 14
 Professional Exchange Experience 29
 Pros and Cons of Taking the AICP Exam 25

Redevelopment

From Land Scam to Boom Town 21
 South Apopka Story (MW) 12
 Turning Around Inner-City Neighborhoods (MW) 12

Small Towns

Community Services and Open Space Protection 20
 From St. John's College to Baden Square 24
 FutureScapes 27
 Gay Tourists and Resort Towns 21
 Home-Based Businesses 27
 Lake Okeechobee Tourism Development 29
 National Rural Development Partnership 23
 New Uses for Small Town Downtowns 21
 Planning Temps 26
 Rural Response to the Big Box 15

Social Equity

Coalition for the Homeless (MW) 10
 Community Planning Teams 24
 Critical Issues in Urban Form 16
 Diverse Populations in Transportation Planning 20
 Environmental Justice 26
 Future of Affirmative Action 21
 Gay Tourists and Resort Towns 21
 Model Retirement Community Planning (MW) 10
 Parramore Heritage Neighborhood Revitalization (MW) 12
 Planning in a Controversial Environment 17
 Public Education in Diverse Communities 27
 Reconceiving the City 18
 Setting up an Education Program 14
 University Partnerships 18
 Women, Minorities, and the Contract with America 15
 Women in Planning and Community Development 26

Strategic Planning

Strategic and Master Planning 28

Suburbs

Altamonte Springs (MW) 11
 GIS and Conservation Subdivisions 27
 Model Subdivision Regulations 19

Tourism

Affluent Western Resort Communities 26
 Behind the Scenes at Walt Disney World (MW) 10
 Convention and Resort Planning 15
 Gay Tourists and Resort Towns 21
 Indian Gaming and Tourism 23
 Lake Okeechobee Tourism Development 29
 Tampa Aquarium and Downtown Development (MW) 12
 Theme Attractions and Entertainment Centers 17
 Universal Studios Expansion (MW) 12

Transportation

Adequate Public Facilities Ordinances 27
 Airport as Transportation Hub 16
 Can Airports Be Good Neighbors? 23
 Collaborative Transportation Planning 23
 Community-Based Transit and Economic Development 19
 Congestion Pricing and Equity 23
 Corridor Action Plans 14
 Corridor Management of Scenic Byways 29
 Cross Florida Greenway (MW) 12
 Diverse Populations in Transportation Planning 20
 Downtown Transportation Systems 25
 GIS and Travel Demand Forecasting 22
 Greenways 28
 I-4 Multimodal Master Plan 27
 Implications of ISTE 18
 Improving Pedestrian, Bicycle, and Transit Transportation 19
 ISTE Enhancement Funding 28
 K-150 Highway Plan 23
 Managing Parking and Circulation 16
 Mixed-Use Streets 26
 Multi-Modal Transportation System (MW) 10
 Partnership for Transportation Alternatives 18
 Planning in Puget Sound 26
 Reinventing Transportation Planning 29
 Traffic Calming 16
 Transportation & Livable European Communities 27
 Transportation Control Measures 28
 Transportation Demand Management 24

Urban Design in Transportation Planning 23
 Visioning for Tomorrow's Transportation 19

Urban Design

Airport Hub as the New City 16
 A New Suburban Paradigm 27
 A Plan for America's Capital 22
 Celebration—Disney's "New Town" (MW) 11
 Communitywide Design Guidelines 26
 Community Design Charettes 22
 Critical Issues in Urban Form 16
 Design Review 17
 Disney by Design (MW) 12
 Heritage Parks and Planning 22
 Historic New Towns 20
 Mixed-Use Streets 26
 Model Retirement Community Planning (MW) 10
 Neotraditionalism and Rediscovered City Sites 15
 New Directions in Land-Use Regulation 24
 Preserving Neighborhood Character 15
 Regenerating the City 15
 Residential Master Planning Communities (MW) 13
 Site Plan and Design Review 14
 Urban Design and Public Works (MW) 12
 Urban Design in Transportation Planning 23
 Viera (MW) 10
 Winter Park (MW) 10, 12

Visioning

Regional Visioning 28
 Visioning for Tomorrow's Transportation 19
 Visioning Techniques 27

Waterfront Planning

Canaveral National Seashore (MW) 11
 Daytona Beach Waterfront Planning (MW) 11

Zoning

Code Enforcement 26
 Design Review 17
 Regenerating the City 15
 Reinventing Zoning 20
 Rezoning Downtown 15
 Teaching Basic Zoning Concepts 26
 The Future of Zoning 15
 Unified Permitting at Fort Devens 29
 Zoning for Community Residences 19

AICP Exam Preparation Sessions

If you plan to attend AICP exam preparation sessions, please mail or fax this form to:

Rosemary Jones
American Institute of Certified Planners
1776 Massachusetts Ave., NW
Washington, DC 20036
fax 202-872-0643

Name _____

Title _____

Agency _____

Street _____

City _____

State _____

Zip _____

Work phone _____

Home phone _____

I will attend:

☐ Monday

☐ Tuesday

☐ Both sessions

registration form

PREREGISTRATION DEADLINE IS MARCH 1, 1996.

Make check payable to and mail to:
American Planning Association
Lock Box 94343
Chicago, IL 60678-4343

Or fax to (credit card payments and purchase orders only):
312-786-6702

Read registration instructions on page 37. Do not mail or fax your registration form after March 29, 1996. It will not be processed in advance and you will need to complete another form and repay onsite. Please call 312-431-9100 to inquire about onsite registration.

Step 1: Basic Registration

Please print. Complete a separate form for each registrant. Payment must accompany this form. Forms received without payment will not be processed.

Badge name: first name last name

AICP member (please circle) YES NO

Title

Agency, company, or school

Mailing address

City State Zip

Daytime phone Fax number

☐ Check here if you are a member of a planning or zoning board or commission.

Registration Fees

Postmarked or faxed with payment	By March 1	After March 1	Total
<input type="checkbox"/> APA member	\$385	\$435	\$
Includes opening reception and plenary luncheon.			
<input type="checkbox"/> Nonmember	\$485	\$535	\$
Includes opening reception and plenary luncheon.			
<input type="checkbox"/> Nonmember Planning Official	\$385	\$435	\$
Nonmember planning officials who serve communities that subscribe to PAS can register at this discounted rate. Includes opening reception and plenary luncheon.			
<input type="checkbox"/> Join APA now	\$385	\$435	\$
Pay the member registration fee. National membership dues are salary based and range from \$70 to \$142 yearly. Chapter dues are required and range from \$9 to \$71 yearly. An invoice will be sent to you.			

☐ **Life/Retired APA member** \$75 \$100 \$

Includes opening reception. Purchase a ticket to attend the plenary luncheon.

☐ **Student APA member** \$75 \$100 \$

Includes opening reception. Purchase a ticket to attend the plenary luncheon.

☐ **Join APA as a student member** \$75 \$100 \$

Pay the student registration fee. National dues are \$30; chapter dues range from \$5 to \$25. You must be a full-time student. Verification form will be sent with invoice. Includes opening reception. Purchase a ticket to attend the plenary luncheon.

Subtotal \$

Step 2: Additional Events

Social Events: Additional Tickets Available

Plenary Luncheon tickets @ \$32 \$

One ticket is included with full member and nonmember fees. Student members and retired or life members must purchase a ticket to attend. You may purchase additional tickets for spouses or guests.

Opening Reception tickets @ \$35 \$

One ticket is included with member, nonmember, student, and retired or life member fees. You may purchase additional tickets for spouses and guests.

Scholarship Luncheon tickets @ \$45 \$

See details on page 6.

Church Street Station tickets @ \$45 \$

See details on page 7.

Splendid China adult tickets @ \$45 \$

See details on page 7. child tickets @ \$35 \$

Gatorland adult tickets @ \$45 \$

See details on page 7. child tickets @ \$35 \$

☐ Check here to automatically register for Splendid China if Gatorland is sold out.

Planning Commissioners Breakfast tickets @ \$20 \$

Breakfast Round Tables tickets @ \$20 \$

Choose a topic (see page 6.)

A B C D E F G H I
J K L M N O P Q R

Student Opening Mixer tickets @ \$10 \$

See page 34.

Student Reception tickets @ \$20 \$

See page 34.

Cb)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 15

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

T. Agnello

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Ministry of Citizenship, Culture and Recreation re: Bill 20 -amendments to the Ontario Heritage Act dated 1996 February 5.
- (b) Region of Hamilton-Wentworth re: Report of the Economic Development and Planning Committee regarding Bill 20 dated 1996 February 7.
- (c) Hamilton Wentworth Separate School Board re: Education Development Charges dated 1996 February 8.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

URBAN/MUNICIPAL
CAY ON HBL A05
C51P4
1996



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

URBAN MUNICIPAL

PLANNING AND DEVELOPMENT COMMITTEE

MAR 1 1996

Wednesday, 1996 March 6

9:30 o'clock a.m.

Room 233, City Hall

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

A G E N D A

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 95-31, by the Metropolitan Hamilton Real Estate Board, owner, for lands located at 39-41 Devonport Street, for a further modification to the "L-mr-2" District.
2. Rental Housing Protection Act Application, 445797 Ontario Limited (Darko Vranich) owner, for 81 Charlton Avenue East, CD-95-012. (Corktown Neighbourhood)
3. DELEGATION

Fred Muylaert, Real Estate Representative, Mediacom
-Outdoor Billboard Signs
4. DIRECTOR OF PLANNING AND DEVELOPMENT

Site Plan Control Application DA-95-31 to modify approved plans of Site Plan Control Application DA-92-37 for a commercial plaza at the north-west corner of Cannon Street East and Wellington Street North, municipally known as 212-219 Cannon Street East.
5. CONSENT AGENDA
6. OTHER BUSINESS
7. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
3.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
4.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
5.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
6.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
7.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
8.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
9.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant

CITY OF HAMILTON
- RECOMMENDATION -

FEB 28 1996

DATE: 1996 February 27
ZAR-95-31
Strathcona Neighbourhood

REPORT TO: Tina Agenllo, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a further modification in zoning - 39-41
Devonport Street.

RECOMMENDATION:

1. That approval be given to Zoning Application 95-31, Metropolitan Hamilton Real Estate Board, owner, for a further modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit the temporary use of lands for a Public Parking Lot for a period of 3 years, under Section 39 of the Planning Act, for property located at 39-41 Devonport Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations as contained in Section 17B(6)(a)(iii) of Zoning By-law No. 6593, as amended by By-law Nos. 90-272, 82-225 and 80-278, be further modified in accordance with Section 39 of the Planning Act, to permit the temporary use of the lands for the parking of motor vehicles, accessory to the use of the land at No. 505 York Boulevard, for a period not exceeding three-years from the day of the passing of the By-law;
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-717c, and that the subject lands on Zoning District Map W-11 be notated S-717c;
 - iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council;

- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- 2. That the amending Zoning By-law not be forwarded for passage by City Council until such time as the owner has entered into the necessary landscaping and encroachment agreements with the City of Hamilton.

EXPLANATORY NOTE:

The purpose of this By-law is to provide for a further modification to the "L-mr-2" (Planned Development - Multiple Residential) District provisions for lands located at 39-41 Devonport Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the temporary use of the subject lands for a public parking lot, accessory to the use of the land at No. 505 York Boulevard, for a three-year period.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- By-law No. 90-272

On September 25, 1990, City Council passed By-law 90-272 which provided for a further modification to the established "L-mr-2" (Planned Development - Multiple Residential) District provisions, for lands located at 39-41 Devonport Street, to permit the temporary use of the subject lands for a public parking lot, accessory to the use of the land at No. 505 York Boulevard, for a three-year period. The temporary use by-law expired on September 25, 1993.

- Committee of Adjustment Application 95:185

The Committee of Adjustment, at its meeting of August 30, 1995, approved an application for a minor variance to permit the continued maintenance of a 2.43 m (8.0 ft) high fence abutting the parking area. The Zoning By-law permits a maximum fence height of 2.0 m (6.56 ft).

- By-law 82-225

On October 12, 1982 City Council passed By-law 82-225 to provide for a further two year extension to the temporary parking use of lands at Nos. 39 and 41 Devonport Street, accessory to the use of the land at No. 505 York Boulevard, or for the period during which the owner of the land at the time of the passing of the by-law continues to be the owner thereof, whichever is the lesser.

- By-law 80-278

On October 28, 1980, City Council passed By-law 80-278 which provided for a modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations applicable to the subject property. The effect of the By-law was to permit the parking of motor vehicles accessory to the use of the land located at No. 505 York Boulevard for a period not exceeding two years from the date of passing of the by-law, or the period during which the owner of the lands at the time of the passing of the by-law continues to be the owner thereof, whichever is the lesser.

APPLICANT:

Metropolitan Hamilton Real Estate Board, owner.

LOT SIZE AND AREA:

- 19.91 m (65.31 ft.) of lot frontage on Devonport Street;
- 29.95 m (98.25 ft.) of lot depth; and,
- 596.30 m² (6,416.7 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Parking Lot	"L-mr-2" (Planned Development - Multiple Residential) District, modified
<u>Surrounding Land Use</u>		
to the north	Vacant Lands	"L-mr-2" (Planned Development - Multiple Residential) District

to the south	Single Detached Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings) District
to the east	Office Building	"H" (Community Shopping & Commercial, etc.) District, modified
to the west	Single Detached Dwellings and vacant land	"L-mr-2" (Planned Development - Multiple Residential) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" the Land Use Concept Plan of the Official Plan, and subject to among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as Residential will be for dwellings."

Parking is not a permitted use within the RESIDENTIAL designation. However, Policy B.3.3.9 regarding "temporary" parking lots, can be applied.

"B.3.3.9 In accordance with the Planning Act, and Sub-section D.3 of this Plan, those lands that are vacant and which may be advantageously utilized to relieve PARKING difficulties in the City may be authorized by Council to be used as "temporary" PARKING lots, subject to the following:

- i) Temporary PARKING areas will not unduly impede pedestrian movement, or the use of Residential Open Space or other public lands;
- ii) Temporary PARKING areas will be sited and designed to reflect the best interests of the local area;
- iii) The use of such vacant lands for temporary parking will not exceed three (3) years; and,
- iv) Notwithstanding the above, Council may extend approval for temporary PARKING for additional periods as provided for in clause iii) above, upon termination of the approval period where specific applications to Council for such extended approval is made."

Based on the foregoing, the proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

Designated for "MEDIUM DENSITY APARTMENTS" on the approved Strathcona Neighbourhood Plan, the proposal does not comply. However, redesignation would not be appropriate in order to maintain the long term intended use of this site.

COMMENTS FROM CIRCULATION:

The following Departments/agencies had no comment or objection to the proposed modification in zoning:

- Traffic Division, Department of Public Works and Traffic;
- Regional Planning and Development Department.
- The Roads Department has advised:
 - "1. There are public watermains and separate storm and sanitary sewers available to service these lands.
 2. According to our records and site inspection, there are numerous encroachments such as pebble stone, retaining walls, etc. in the Devonport Street road allowance. As a condition of approval we recommend that the applicant/owner enter into a landscaping/encroachment agreement with the City of Hamilton for these encroachments. For the information of the owner, this matter was brought forward many years ago and still appears to be unresolved.
 3. We have reviewed this zoning application and the variance on the condition that the fence surrounding the parking area will be a chain link fence only and therefore should not be a visibility concern for motorists using this parking area from Devonport Street.
 4. In the absence of any other details or site plans submitted for our review, we advise that any other works which may occur within the Devonport Street road allowance must conform to the City of Hamilton Streets By-law. We also recommend that the height of any objects, mature vegetation, etc. within 5m by 5m daylight visibility triangles between the access and the street/property line not exceed 0.60m above the corresponding perpendicular centreline elevation of Devonport Street."

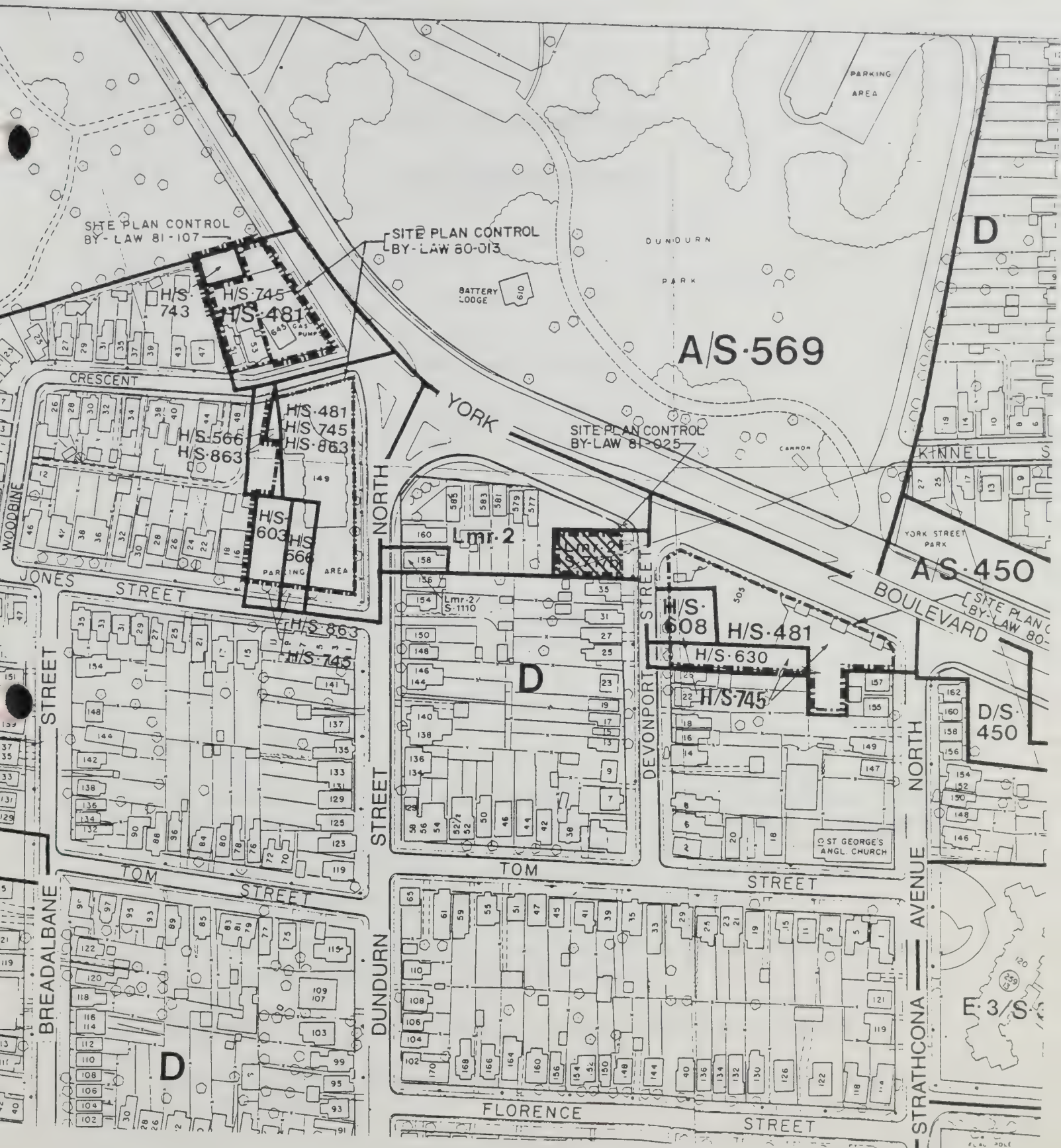
PLANNING COMMENTS:

1. The proposal complies with the intent of the Official Plan which permits the temporary use of vacant land for parking purposes.
2. The proposal conforms with Section 39 of the Planning Act.
3. Approval of the application would not prejudice the future use of the subject lands for multiple residential development in accordance with the approved Strathcona Neighbourhood Plan.
4. Council has approved three previous applications for temporary use of the subject lands for parking purposes.
5. The Roads Department has recommended that the applicant/owner enter into a landscaping/encroachment agreement with the City of Hamilton for existing encroachments into the Devonport Street road allowance. As such, the by-law should not be presented to City Council until such time as the applicant has entered into the necessary encroachment agreements with the City of Hamilton.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

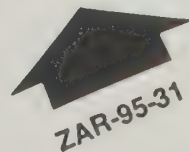
SR/sr
ZAR95-31



Legend



Site of the Application



APPENDIX "A"

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 29
(CD-95-012)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application CD-95-012 -
81 Charlton Avenue East, Corktown Neighbourhood

RECOMMENDATIONS:

- 1) Notwithstanding the vacancy rate for rental apartment units, and specifically for two-bedroom units, is less than 2 percent, Application CD-95-012, under the Rental Housing Protection Act, 445797 Ontario Inc. (Darko Vranich), owner, for conversion of 59 rental apartment units to condominium units for the property located at 81 Charlton Avenue East, be approved due to the following extenuating circumstances:
 - i) the building has had a large number of vacancies over the past five years and by the end of February, all the units will be vacant;
 - ii) the building requires extensive renovations to make it habitable; and,
 - ii) it provides the opportunity for affordable ownership housing in close proximity to the downtown.
- 2) The following conditions should be included as part of the approval of Application CD-95-012, under the Rental Housing Protection Act, 445797 Ontario Inc. (Darko Vranich), owner,:

- i) That this RHPA approval shall cease and be at an end,
 - (a) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;
- ii) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the City Solicitor, incorporating the City's conditions of approval listed herein and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;
- iii) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;
- iv) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
- v) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.
- vi) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner

445797 Ontario Inc. (Darko Vranich), owner.

Existing Building

The subject property is comprised of one apartment building, ten storeys in height, with a total floor area of approximately 4,550 m² (45,500 square feet). The building was constructed in approximately 1975. A total of 39, one-bedroom units and 20, two-bedroom units are contained within the building. At the time the application was made (December), there were 56 units vacant. At the time of writing this report 58 of the units were vacant, with the remaining unit to be vacated by the end of February.

The building went into receivership in 1992 and little maintenance has been done since then. Many of the units were in a state of disrepair so they could not be rented.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 81 Charlton Avenue East was submitted to the City on December 21, 1995. The subject property is shown on the attached key map. The proposal is to convert the 59 units (39 one-bedroom and 20 two-bedroom) to condominium. The applicant has indicated the units will be sold for the following prices:

- 1 bedroom unit: \$49,000 to \$55,000; and,
- 2 bedroom unit: \$59,000 to \$69,000.

Proposed Conversion Details

As part of the application, the applicant has indicated that the following improvements will be made to the units:

- new floor coverings;
- new wall and ceiling finishes;
- new fixtures and appliances;
- an addition to the front canopy; and,
- new roof treatment.

Rent Details

The monthly rental charges for the 59 units, effective December, 1995, are as follows:

- The 39 one-bedroom units have an average monthly rental charge of \$520 (the range is \$400-\$650); and,
- The 20 two-bedroom units have an average monthly rental charge of \$591 (the range is \$450-\$669).

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 81 Charlton Avenue East are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

- i) the building is structurally unsound;
- ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
- iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status. Criteria ii) is not applicable since the units are vacant. Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 59 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton.

The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 8(1) of the Regulation under the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes a suitable condition in this situation might include:

- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 529/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 59 rental units will not adversely affect the supply of affordable rental housing in the City.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to ascertain potential impacts of the proposed condominium conversion on the rental housing marketplace. CMHC has divided the City into six geographic zones; the subject property is located within "Zone 1 - Hamilton Downtown Zone".

The Hamilton Downtown Zone is bounded on the south by the Escarpment and on the west by Queen Street, on the north by Cannon Street and on the east by Wentworth Street.

It should be noted in 1995, Council approved four applications for condominium conversion in the Downtown Zone, totalling 118 units:

- CD-95-001 - 174 Herkimer Street (19 units);
- CD-95-002 - 93 Emerald Street South (20 units);
- CD-95-005 - 352-356 Hunter Street (22 units); and,
- CD-95-008 - 141 Catherine Street South (57 units).

The analysis of the impact on the vacancy rates within the zone will take these approvals into consideration.

In addition, Council has approved four other applications for conversion to condominium in 1995 (101 rental apartment units in other parts of the City), which reduces the total number of rental apartment units in the City by 219.

Rental Housing Supply

Since the building has been removed from the October 1995 CHMC survey, the analysis of the rental housing supply is based on the April survey.

The removal of these 59 units, and the 219 additional units, previously approved for conversion to condominium by Council this year, would reduce the overall supply of rental housing in the City. It would represent a reduction of 0.8 percent in the 30,897 apartment units (in structures containing six or more units) in Hamilton.

In the Hamilton Downtown Zone, the removal of the 59 units, and the additional 118 units approved for the four RHPA applications (CD-95-001, CD-95-002, CD-95-005 and CD-95-008) would reduce the overall supply of rental housing. It would represent a reduction of 1.6 percent in the 10,665 apartment units (in structures containing six or more units) in the Hamilton Downtown Zone.

From a broad perspective, the reduction of the overall supply of rental housing in both the City and the Downtown Zone is negligible.

Monthly Rents

The existing rents are within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) issued as part of the Comprehensive Set of Policy Statements. The Information Bulletin notes that units with rents of \$830 or less per month are "affordable" for the Hamilton-Wentworth area. The current monthly rental charges range from \$520 to \$591. These rental charges make the units affordable to households between the 38th and 43rd household income percentile, according to the Information Bulletin.

Average Rent Levels
October, 1995

	<u>Total Hamilton</u>	<u>Hamilton Downtown Zone</u>	<u>Subject Property</u>
One-Bedroom	\$487	\$499	\$520
Two-Bedroom	\$582	\$604	\$591

The average rents for the subject property are higher than the City and zone averages for the one bedroom units; and the average rents for this building are higher for the City but slightly lower for the zone for the two bedroom units.

Vacancy Rates

As recorded by CMHC in October, 1995, the rental apartment vacancy rate for the City was 2.2 percent (in structures containing six or more units). A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, balanced, competitive rental marketplace in a municipality.

The apartment vacancy rate for the Hamilton Downtown Zone was recorded at 1.85 percent in October, 1995, which is below the 2.0 percent level. This level is lower than the vacancy rate from April 1995 which was 2.9 percent. The vacancy rate in this area has been consistently above 2% since April 1991 (up to and including April 1995).

For one-bedroom apartments, the vacancy rate in the City as of October, 1995 was 2.3 percent and 2.2 percent for the Hamilton Downtown Zone. The vacancy rate for both the City and the Downtown has been at or above 2 percent since October 1992.

For two-bedroom apartments, the vacancy rate in the City as of October, 1995 was 2.1 percent and 1.4 percent for the Hamilton Downtown Zone. In April 1995, the vacancy rate for the City was 2.3 percent and 0.9 percent for the Downtown. The vacancy rates for these two areas was above 2 percent for 1993 and 1994.

Within the Hamilton Downtown Zone, approval of this condominium conversion proposal and the previously approved applications for 118 units would decrease the vacancy rate to 1.8 percent from 1.85 percent.

Summary

AFFORDABILITY OF CONVERTED UNITS:

The applicant has indicated the units will be sold for between \$55,000 and \$69,000. The following chart shows the income required to rent the unit versus the income required to own the unit as per the Housing Affordability Guidelines for the Region of Hamilton-Wentworth.

Unit Type	Average Rent	Income Required to Rent	Sale Price	Income Required to Own (Min.)
One Bedroom	\$520	\$20,772	\$55,000	\$22,010
Two Bedroom	\$591	\$23,469	\$69,000	\$27,400

The units are less affordable as ownership units than rental units in that the income required to support the unit is greater than what is required to rent the unit. However, the units, as both ownership and rental units, are within the affordable guidelines set by the Province.

COMMENTS:

Based on the statistical data used to assess this application, the removal of 59 units would have a negative effect on the supply of affordable rental housing since the vacancy rate for the Hamilton Downtown Zone is below 2 percent (1.85 percent). A vacancy rate of between 2 percent and 3 percent is indicative of a healthy, competitive, balanced rental market place in the City. In addition, the removal of the two bedroom units has a negative impact on that particular segment of the market since the vacancy rate in the Downtown Zone is 1.4 percent.

However, it should be noted there are unique circumstances surrounding this building.

- by the end of February, all the units will be vacant;
- since the building went into receivership in 1992, little maintenance has been done on it; and,
- it would provide the opportunity for affordable ownership units in the downtown.

Notwithstanding the statistical information, the application should be approved based on the above noted extenuating circumstances.

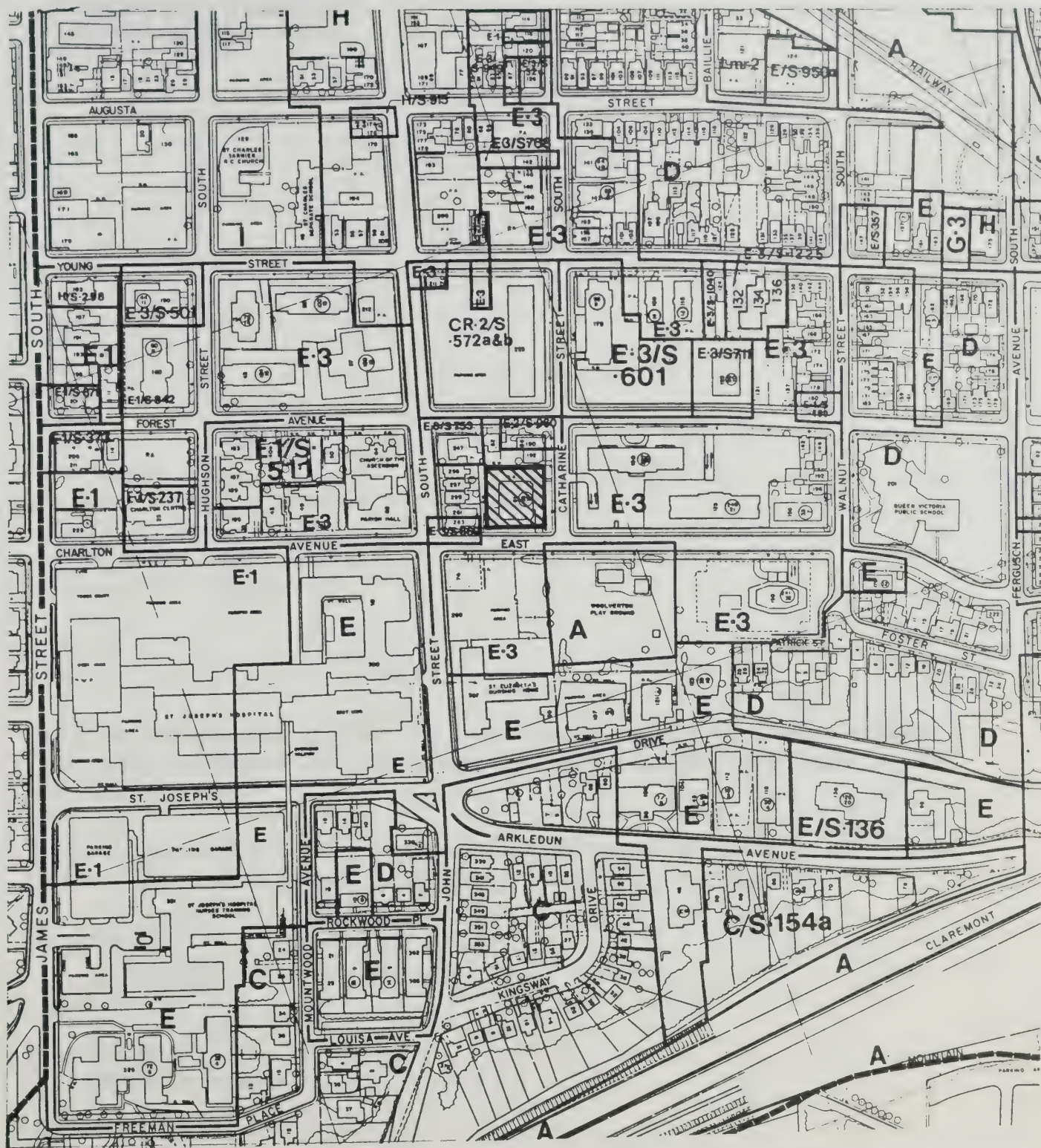
Should Council decide to approve the conversion to condominium, the following conditions should be established in an agreement as a condition of approval:

- 1) That this RHPA approval shall cease and be at an end,
 - (i) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;
- 2) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the City Solicitor, incorporating the City's conditions of approval listed herein and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;
- 3) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;
- 4) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
- 5) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.
- 6) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

CONCLUSION:

On the basis of the foregoing, the application should be approved.

jhe/



City of Hamilton

Key Map

Rental Housing Protection Act

81 CHARLTON AVENUE EAST

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale

Date
FEBRUARY 1996

Reference File No.
CD-95-012

Drawn By
W. B.

FEB 20 1996

3.

February 20, 1996

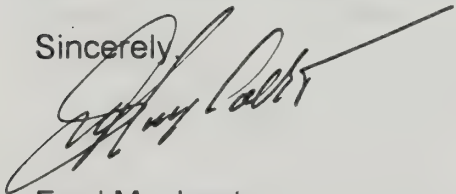
Tina Agnello
Secretary, Planning & Development Committee
City of Hamilton
71 Main Street West
Hamilton, ON L8N 3T4

Dear Tina,

Please accept this letter to confirm my request to appear as a delegation before the Planning & Development Committee at its regularly scheduled public meeting on the 6th of March, 1996.

I wish to address the Committee with respect to the placement of large outdoor billboard signs currently within the regulatory scope of the Municipality.

Sincerely,



Fred Muylaert
Real Estate Representative

/tl

4.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 27
DA-95-31 (DA-92-37)
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary of the
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

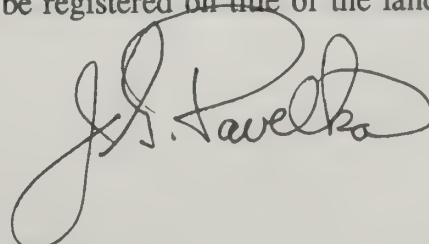
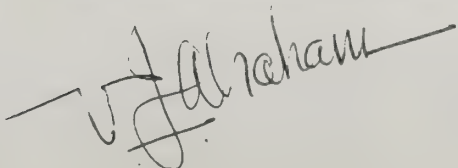
J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Site Plan Control Application DA-95-31 to modify approved plans of Site Plan Control Application DA-92-37 for a commercial plaza at the north-west corner of Cannon Street East and Wellington Street North, municipally known as 212-219 Cannon Street East.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-92-37 by 952517 Ontario Inc., owner of lands at 217-219 Cannon Street East, as marked on the attached map, to modify approved plans of Site Plan Control Application DA-92-37 for development of a commercial plaza subject to the following:

- a) modification to the plans related to dimensions, notes and landscaping as marked in red on the plans;
- b) modifications to the new phase two building to provide alterations to the two corners at the rear of the building as marked in red on the plan;
- c) submission of a revised grading plan to the satisfaction of the Manager of Development, Roads Department;
- d) approval of the variance by the Committee of Adjustment to delete the required one (1) 3.7m x 9.0m loading space; and,
- e) provision of the appropriate financial securities for the new site works and inclusion of the final plans in a Site Plan Agreement to be registered on title of the lands.



BACKGROUND:

Plans have been submitted to modify the approved plans of Site Plan Control Application DA-92-37 to incorporate changes to the Phase Two of the proposed commercial plaza at the north-west corner of Cannon Street East and Wellington Street North, as located on the attached map. The Phase One building, occupied by Donut Diner restaurant, has been constructed on the site, facing Wellington Street, with access from both streets to 19 parking spaces.

The approved plans of Site Plan Control Application DA-92-37 provided for Phase Two to have a commercial and office use in the second building. This building is now proposed to be a car wash with six (6) self serve bays, one (1) auto bay and related office and mechanical area. The footprint of the building is generally the same with minor changes to the architecture.

Landscape treatment on the periphery of the site remains the same as originally approved. The previous open space in front of the second building has been deleted to accommodate the vehicular stacking and turning to enter the car wash bays.

COMMENTS RECEIVED:

The Building Department advised that the site requires one (1) 3.7m x 9.0m loading space to be provided. The proposed ground signs located along the westerly side lot line are considered as billboard signs and are permitted. No portion of the sign including the support structure shall encroach over the side lot line.

The Traffic Division in their attached letters has made comments related to circulation patterns, building concerns, signs and access. In order to provide sufficient turning radii from the adjacent car wash bay, the rear corners of the building should be angled as shown on the plan and the proposed door relocated as a matter of safety.

The Roads Department has indicated that a revised grading plan is required to address comments in their attached letter dealing with grades, curbs, notes, etc. and submission of a revised grading plan to the satisfaction of the Manager of Development, Roads Department.

COMMENTS:

Modifications are required to the plans related to dimensions, notes, and signs. A note has also been marked in relation to the proposed sign adjacent to the alley to indicate that any supporting structure cannot interfere with the driveway areas, nor overhang any property lines.

A revised grading plan is required to address the concerns of the Roads Department as noted in their comments.

In response to the Traffic Division concerns, the applicant has indicated that the requested building corner cut is not needed due to the one way movement of traffic and the amount of manoeuvring space beyond the building. In regard to the proposed doorway, the applicant has indicated that the room will have limited use into a storage area and will not be accessible from the office portion of the building. The applicant has suggested a moveable safety pylon for use when staff members enter the storage area.

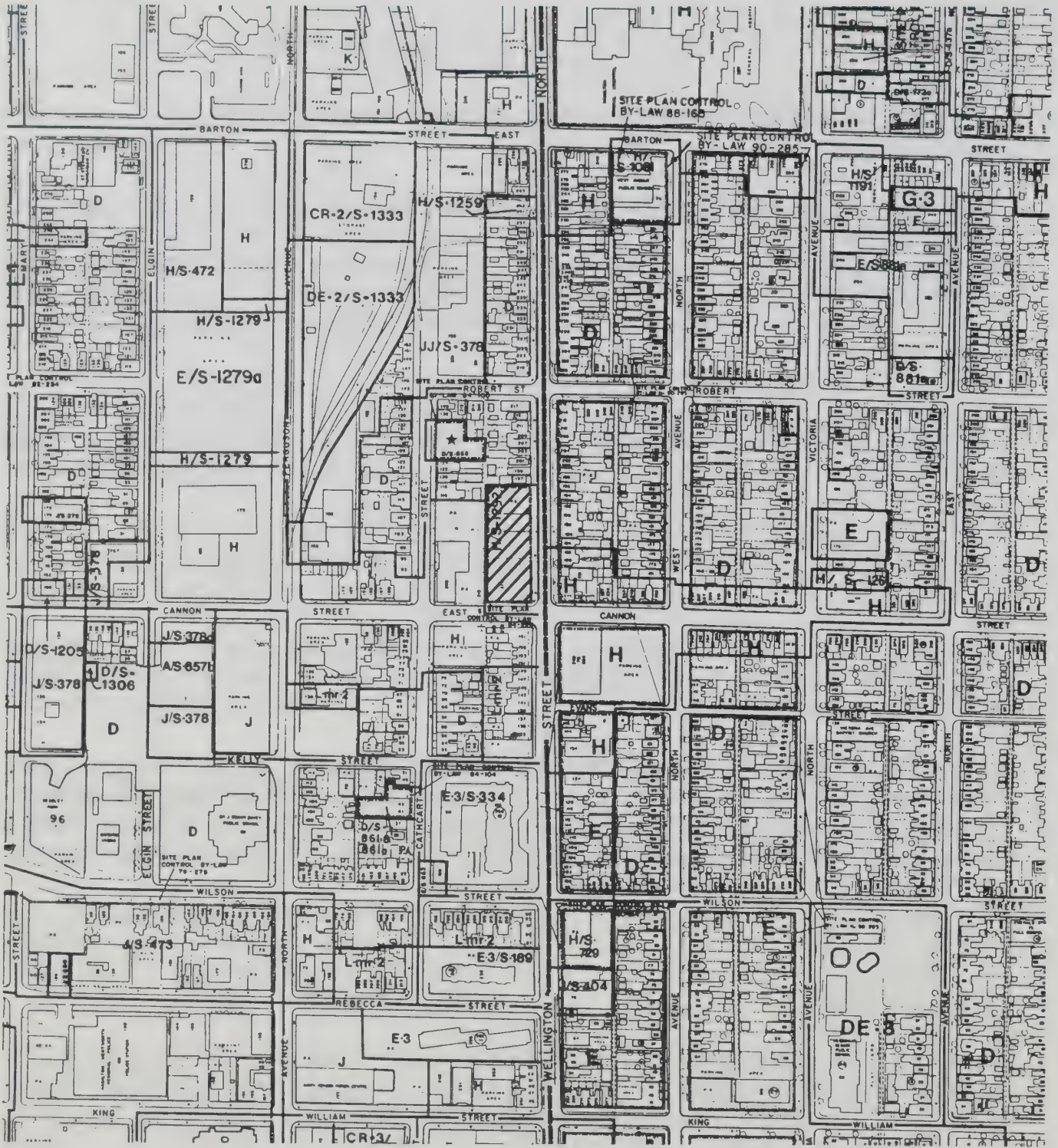
Notwithstanding the comments by the applicant, the Traffic Division has requested that the Phase Two building rear corners be modified as marked in red on the plans, to provide sufficient turning radii from the adjacent car wash bay and to relocate the proposed doorway from the corner area.

It should be noted that the footings of the building have been constructed and portions of the walls erected.

In regard to the proposed variance to delete the required loading space, since the proposed development will be a car wash facility which in practice does not need a loading space, the variance can be supported.

As previously noted, Phase One of the development was the subject of Site Plan Control Applications DA-92-37 which was processed to include an "Undertaking" signed by the owner of the property. The proposed changes to the site are of a significant nature that the site should be updated to the present procedures in providing financial securities for exterior site works and a Site Plan Agreement to be registered on Title of the land.

JPS/DA95-31.R3



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-95-31

Planning and Development Department

Legend



Site of the Application

North



Scale

Not to Scale

Date

NOVEMBER 1995

Reference File No.

DA-95-31

Drawn By

R. L.

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH					
File No.			Received NOV. 24 1995		
TO		STAFF UNIT		BY	
FROM		STAFF UNIT		BY	

FILE:		DA-95-31			
STAFF		<i>[Signature]</i>			
CART.					
ADMIN.		E220-208			
<i>Chair Fax</i>					

YOUR FILE: - DA-95-31

OUR FILE # ADMIN E220-0208

FAX: (905) 546-2870

DATE: 1995 November 22

- (3) Based on the proposed elevations provided and our calculations a number of the grades on the driveway area behind the proposed building are less than our minimum of 1 % for asphalt. Please review and modify accordingly.
- (4) Note #1 in the "Notes on Grading Plan" section should be modified to read as "Any changes in grades and catch basins require the approval of the Commissioner of Regional Transportation/Environmental Services".

Cont'd...

November 22, 1995

**Site Plan Control Application DA-95-31
for Lands Located at 217-219 Cannon
Street East for Use as a Restaurant and
Car Wash (cont'd)**

- (5) As the drive thru restaurant is already constructed the applicant should clearly show on the plan which items, grades are existing and which are proposed. Any notes on the plan which refer to the drive thru restaurant as proposed should also be modified accordingly. The site plan should also be modified accordingly.
 - (6) The applicant should be advised that a copy of the final servicing drawings (final design) must be submitted for review prior to the sewer and water permits being issued.
 - (7) A catch basin is shown on the site plan just west of the approach off of Wellington Street and is not shown on the grading plan. If this catch basin exists please show it on the grading plan and label appropriately.
- In addition, the proposed building foot print on the grading plan should be modified to reflect that on the site plan or vice versa.
- (8) The proposed raised concrete curb shown on the site plan should be added to the grading plan and proposed top and bottom of curb elevations should be provided at a 15.0 m interval along the curb.

Transportation's Comments

We have reviewed the above application and submit the following comments:

- (1) All required road widenings have previously been dedicated to the Region by Instrument No. 145707 and shown as Part 1 on Reference Plan 62R-12495. Therefore we do not anticipate any further road allowance widenings at this time.
- (2) We require 5 m by 5 m daylight triangles between the accesses and the widened street lines in which the maximum height of any object or mature vegetation is not to exceed 0.60 m above the corresponding perpendicular centreline elevation of Cannon Street/Wellington Street. This requirement also applies between the public unassumed alley to the west of the subject lands and the widened limits of Cannon Street. The site/landscaping plans must be revised accordingly.

Cont'd...

November 22, 1995



**Site Plan Control Application DA-95-31
for Lands Located at 217-219 Cannon
Street East for Use as a Restaurant and
Car Wash (cont'd)**

- (3) Any works which may occur within the Wellington Street and Cannon Street road allowances, as widened, and the daylight triangle must conform to the Region of Hamilton-Wentworth Roads Use By-law.



Eugene P. Chajka, P. Eng.
Manager of Development

DWW/HG

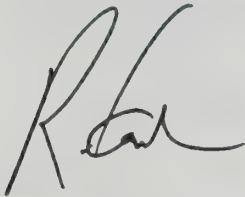
 

TRAFFIC DIVISION

We recommend that the proposed garbage enclosure at the rear of the proposed car wash be relocated. In the proposed location, sufficient manoeuvring is not provided for single unit trucks to access the enclosure.

Should you require any further information, please contact Bill Ferguson at 546-4575.

Yours truly,

A handwritten signature in black ink, appearing to read 'Roland Karl', written in a cursive style.

Roland Karl, P. Eng.
Manager of Traffic Planning

BF/kg
Attach.



DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

City of
HAMILTON

TRAFFIC DIVISION

1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1996 February 28

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA 92-37 and DA 95-31
217-219 Cannon Street East

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH					
File No.		Received FEB 28 1996			
TO	STAFF	INIT.	INFO.	ACT.	
VA	DIR.				
	P.P. & A.				
	NEIGH.				
VM	DEV.				
	E.S.U.D.				
VPS	STAFF				
	CART.				
	ADMIN.				

The development process for this site was formally started in August of 1992 with DA 92-37. At that time we required a number of alterations to the originally submitted plans including corner cuts on both buildings for maneuvering. These changes were shown on the plans circulated to us on November 26, 1992. It is our understanding that the November 1992 plans were subsequently further modified without any further consultation with our Department. The final approved plans, although significantly changed from those revised by one Department, had maintained our required building corner cuts. On November 13, 1995 we received notification from the Planning Department that they had approved a modification to DA 92-37 which altered the building footprint. This plan, which had also not been circulated for our comment, did not include the corner cuts we had required.

Site plan application DA 95-31 was circulated to us with a letter dated November 3, 1995. Our response to this circulation was sent in a letter dated November 14, 1995. Two further letters, directly to the applicants, have also been generated by our review of the submitted plans.

The following is a summary of our unresolved issues with respect to the submitted application:

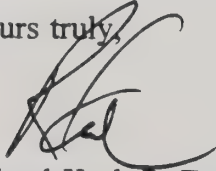
1. A raised concrete curb is proposed at the north-east corner of the site to separate traffic to the automatic wash bay. The location of this curb should be modified to improve maneuverability.
2. As a result of the potential conflicts between drive-through traffic, car wash traffic and garbage pick-ups, we have suggested that the applicants consider alternative locations for the garbage pick-up area.

3. As indicated previously, we have been requiring corner cuts for this project since 1992. The applicants have provided one of the two required cuts on his latest design submission. In order to satisfy the standard turning requirements for a vehicle exiting from the first car wash bay the second corner cut is required. With respect to the provided corner cut, the applicants have introduced a doorway within this area which opens into the driveway. Given the lack of any protection for users of this doorway and the sight limitations resulting from its position, this constitutes a safety hazard and is again contrary to our standard design requirements.

In any other "normal" situation all of the above issues would be easily addressed via minor design alterations. In this case however, the applicant has proceeded with partial construction of the project without the appropriate permission. From our point of view, the applicants' reluctance to modify the plans therefore has little to do with design but is an attempt to maintain his "as built" situation. As a result, we are not in a position to support approval of this application as submitted.

Should you have any further questions, please feel free to contact me at 4583.

Yours truly,



Roland Karl, P. Eng.
Manager of Traffic Planning

RK/kg

c.c. John Sakala, Senior Landscape Architect, Planning Department
c.c. Eugene P. Chajka, Manager of Development, Roads Department

5.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 March 6

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 February 21

B. SENIOR DIRECTOR, ROADS DEPARTMENT

Final Lot grading and Sodding Contract for Various Subdivisions During 1996

C. BUILDING COMMISSIONER

- a) 120 Wilson Street - demolition
- b) 107 Graham Avenue North - demolition
- c) 93 Niagara Street - demolition

D. DIRECTOR OF PLANNING AND DEVELOPMENT

Authorization for Staff Attendance at OMB Hearing - 550 Fennell Avenue East (A-95-258) and 1379 Upper James Street (A-95-278)

E. SECRETARY, LACAC

- a) Christ's Church Cathedral - Request for Technical Consulting Service to Repair Stained Glass Window
- b) James Mountain Road Project - Restriction on Left Turns into the Durand - Markland Heritage Conservation District from James Street

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

- a) Information Items
- b) Rescheduling of 1996 April 24th meeting to 1996 April 17

A.

Wednesday, 1996 February 21
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:

Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor Robert M. Morrow
Alderman Wm. McCulloch
Alderman G. Copps
Alderman M. Caplan
Alderman B. Charters
Alderman F. Eisenberger
Alderman H. Merling

Also present:

Alderman M. Kiss
Victor Abraham, Director of Planning
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning and Development
Bill Janssen, Planning Department
Steve Robichaud, Planning Department
Roland Karl, Public Works & Traffic Department
Eugene Chajka, Roads Department
Willie Wong, Building Department
Art Zuidema, Law Department
Terry Whitehead, Mayor's Executive Assistant
Tina Agnello, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **City Initiative 94-H, Amendments to Zoning By-Law No. 6593, for certain lands within the City of Hamilton, which are to be removed from the "Development Control" regulations of the Niagara Escarpment Commission.**

Joanne Hickey-Evans provided a synopsis of the proposed City Initiative. She explained that the City has been negotiating with the Niagara Escarpment Commission to remove control over certain lands. She advised that lands between the Greenhill end tracks are to be placed under City development control.

In response to a question from Alderman Charters, Joanne Hickey-Evans stated that she will check if the 30 meter setback is consistent standard use as a buffer area by the Niagara Escarpment Commission.

Alderman Charters stated that he is pleased that the lands in urban development control are out of the development control of the Niagara Escarpment Commission.

Mr. John Norris of 105 Lavina Crescent, Hamilton was present. He stated that the City Initiative leaves residents exposed, since if Niagara Escarpment Commission development is removed and the property is under City control, the City is exempt from its own zoning by-law there is no requirement to have public meetings. For example; if the City wants to put a restaurant, stadium or other facilities in Sam Lawrence Park, it would be able to do so without a public hearing.

Alderman Copps asked if we have the authority to change the by-laws to put the City under the same controls as everyone else, to which Paul Mallard advised that the City can develop a policy.

Alderman Drury felt that it is not necessary to have the Niagara Escarpment Commission involved to maintain the escarpment since other responsible bodies can also do this.

With regards to Mr. Norris's comments, Alderman Drury stated that the City's control applies throughout the City and not only to these lands and therefore, that his concern does not relate specifically to the City Initiative.

Alderman Drury was also concerned with the height restriction. Joanne Hickey-Evans advised that the height limit is in keeping with the City by-laws and it provides a visual barrier.

Replying to a question from Alderman Eisenberger, Joanne Hickey-Evans stated that a policy can be passed the City to require public meetings for certain City zonings on City lands.

Victor Abraham advised that ancillary uses can be placed in City lands such as parks. These uses are things like a snack bar, an arena, restaurant or a stadium. He advised though, that the City cannot put an apartment in a park because that is not an ancillary use.

As recommended by the Commissioner of Planning and Development in a report dated 1996 February 12 the Committee recommend to Council as follows:

- (a) That approval be given to City Initiative 94-H, for changes and modifications to Zoning By-law No. 6593, for lands within the City of Hamilton that are proposed to be removed from the Development Control regulations under the Niagara Escarpment Planning and Development Act, as shown on the attached maps marked as APPENDICES "A" to "H", on the following basis:
 - (i) That Blocks "1", "2" and "3", as shown on the attached maps marked as APPENDICES "A" and "B", be rezoned from "A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Agriculture) District;
 - (ii) That the "A" (Conservation, Open Space, Park and Recreation, etc.) District provisions, as contained in Section 7 of Zoning By-law No. 6593, applicable to Blocks 4, 5, and 6, as shown on the attached maps marked as APPENDICES "C", "D", and "E", be modified to include the following variances as special requirements:
 - (1) notwithstanding Section 3.(4) of By-law No. 6593, no building shall exceed two and a half storeys in height, and no structure shall exceed 11 m (36.09 feet) in height; and
 - (2) notwithstanding Section 7.(3) of By-law No. 6593, no building or structure shall be closer than 30 m (100 feet) from the top of the Escarpment.
 - (iii) That the "AA" (Agricultural) District provisions, as contained in Section 7A of Zoning By-law No. 6593, applicable to Blocks "7" and "8", as shown on the attached maps marked as APPENDICES "F" and "G", be modified to include the following variances as special requirements:

- (1) notwithstanding Section 3.(4) of By-law No. 6593, no building shall exceed two and a half storeys in height, and no structure shall exceed 11 m (36.09 feet) in height; and
 - (2) notwithstanding Section 7A.(3) of By-law No. 6593, no building or structure shall be closer than 30 m (100 feet) from the top of the Escarpment.
- (iv) That the "B" (Suburban Agriculture and Residential, etc.) District provisions, as contained in Section 8 of Zoning By-law No. 6593, applicable to Block "9", as shown on the attached map marked as APPENDIX "H", be modified to include the following variances as special requirements:
- (1) notwithstanding Section 3.(4) of By-law No. 6593, no building shall exceed two and a half storeys in height, and no structure shall exceed 11 m (36.09 feet) in height; and
 - (2) notwithstanding Section 8.(3) of By-law No. 6593, no building or structure shall be closer than 30 m (100 feet) from the top of the Escarpment.
- (v) That the "B-1" (Suburban Agriculture and Residential, etc) provisions, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "10", as shown on the attached map marked as APPENDIX "H", be modified to include the following variance as a special requirement:
- (1) notwithstanding Section 3.(4) of By-law No. 6593, no building shall exceed two and a half storeys in height, and no structure shall exceed 11 m (36.09 feet) in height.
- (vi) That the "B-2" (Suburban Residential, etc.) District provisions, as contained in Section 8B of Zoning By-law No. 6593, applicable to Block "2", as shown on the attached map marked as APPENDIX "A", be modified to include the following variance as a special requirement:
- (1) notwithstanding Section 8B.(4) of By-law No. 6593, the minimum lot area shall not be less than 491 m².
- (vii) That the "B-2" (Suburban Residential, etc.) District provisions, as contained in Section 8B of Zoning By-law No. 6593, applicable to Blocks "1" and "3", as shown on the attached maps marked as APPENDICES "A" and "B", be modified to include the following variance as a special requirement:
- (1) for the purposes of this by-law, the rear lot line shall be defined as the "toe-of-slope".
- (viii) That the amending By-law be added to Section 19B of Zoning by-law No. 6593 as Section S-1353, and the subject lands on Zoning District Maps No. E-66, E-67, E-15, E-35, E-46, E-69, E-69a, E-69b, E-79a, E-79b, W-36, W-6, W-7 and W-15 be notated S-1353;

- (ix) That the Director of Planning and Development be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Maps No. E-66, E-67, E-15, E-35, E-46, E-69, E-69a, E-69b, E-79a, E-79b, W-36, W-6, W-7 and W-15 for presentation to City Council; and,
- (x) That the proposed changes and modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the City Clerk be requested to advise the Niagara Escarpment Commission that the City of Hamilton has no objection to placing the lands of the Red Hill Creek Valley between Greenhill Avenue and the CP Railway track, as shown on the attached map marked as APPENDIX "I", under "Development Control".

2. City Initiative 96-B, A general test amendment to the City of Hamilton Zoning By-law No. 6593 respecting parking requirements for residential conversions in the Central Business District.

Paul Mallard advised that there would be a minor amendment to the wording of the recommendation to reflect an omission.

As recommended by the Commissioner of Planning and Development in a report dated 1996 February 15 the Committee recommended to Council as follows:

That approval be given to City Initiative 96-B respecting the elimination of required parking to encourage the conversion of non-residential floor space to residential uses within the CBD, on the following basis:

That Section Nineteen - Residential Conversion Requirements of Zoning By-law No. 6593 be amended by adding a new Section 19.(4) as follows:

- 19.(4) Notwithstanding any other provisions of this By-law, any building or portion thereof existing on the date of the passing of this by-law, located within Area "A" shown on Schedule "I" of Section 18A, may be converted to a residential use except for a Residential Care Facility or Short-Term Care Facility, provided that the ground floor is maintained for commercial use.

3. Rental Housing Protection Act Application, 297 - 301 Mary Street, (Beasley Neighbourhood)

The applicant was present in support of the application.

As recommended by the Commissioner of Planning and Development in a report dated 1996 February 12 the Committee recommended to Council as follows:

- (a) That approval be given to Application SE-95-001 under the Rental Housing Protection Act, Mary Jazvac, owner, to sever the land, which contains a two-family dwelling and a twelve (12) unit apartment building into separate parcels, for the property located at 297-301 Mary Street, subject to the following conditions:

That the owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

- (b) That upon satisfaction of the above noted condition, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

9:45 O'CLOCK A.M.

4. Zoning Application 95-32, by Peter Hatzoglou, Peter and John Zourntos, Aiden Tuite and Philip Mancini, owners, for an amendment to the City of Hamilton Official Plan and for a change in zoning from "G-4" District, modified, to "HH" District for lands located at 30 Rymal Road East.

Submissions: a) Stewart Munghen, 60 Rymal Road East, Hamilton
 b) Eleanor and John Davidson, 39 Lister Avenue, Hamilton

Paul Mallard advises that applications on this property have been before the Committee on several occasions. Of 60 notices circulated, six were in favour and nine were opposed. The Planning Department is recommending denial because the application conflicts with the intent of the official plan and the neighbourhood plan, conflicts with the intent of a By-law which limits the commercial uses only to those in neighbourhood nature, conflicts with Council policy not to support high traffic generating uses, and approval of the application would encourage similar applications.

Ed Fothergill, of Fothergill Planning and Chris Bell were present on behalf of the applicant. Chris Bell stated that this proposal is a request to grant "HH" zoning similar to other properties in the area. "HH" uses would be used within the existing plaza. There would be no change to square footage or to the property. He advised that traffic indicated that there is no objection to the proposal and he stated that the impact would be negligible to the community to the south.

Mrs. Kavanagh of Lister Avenue was present. She stated that the residents are not in favour of uses such as a restaurant in this particular area. She stated that this area has enough of the "HH" type uses.

Alderman Merling stated that applications on this property have been before the Committee seven times and that each time they have conflicted with various planning documents and policies and therefore, he supports the denial.

Alderman Copps also stated that the hearings are very costly to the community.

As recommended by the Commissioner of Planning and Development in a report dated 1996 February 12 the Committee recommended to Council as follows:

That Zoning Application ZAC-95-32, Peter Hatzoglou, Peter and John Zourntos, Aiden Tuite and Philip Mancini, owners, requesting an Official Plan amendment to delete Special Policy Area 46, and a change in zoning from "G-4" (Designed Neighbourhood Shopping Centre) District modified, to "HH" (Restricted Community Shopping and Commercial) District, in an established commercial plaza, for property located at 30 Rymal Road East, as shown on the attached map marked as APPENDIX "J", be **DENIED** for the following reasons:

- (a) It conflicts with the intent of the Official Plan and the approved Allison Neighbourhood Plan;

- (b) It conflicts with intent of By-law No. 89-246 which rezoned the subject lands to "G-4" (Designed Neighbourhood Shopping Centre) District, modified which specifically limits the commercial uses to those only of a neighbourhood nature and prohibits high traffic generators;
- (c) It conflicts with established Council policy not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy; and,
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and zoning by-law.

5. DELEGATION

Helen Pelton, Turkstra Garrod Hodgson on behalf of Mark Cole regarding a settlement offer on the appeal of By-law 92-02 and 95-033 (Monster Homes, Ainslie Wood Neighbourhoods)

Submissions were received from the following:

- (a) Alderman Mary Kiss, Ward 1
- (b) Jean Harms and Henry Harms of Emerson Street
- (c) Gerry Balt, 156 Whitney Avenue, Hamilton L8S 2G7

Alderman Drury asked Art Zuidema if the Law Department has a settlement offer, to which Mr. Zuidema replied no. Alderman Drury also asked Mr. Zuidema if the Law Department is prepared to go to the O.M.B. to which Mr. Zuidema replied that the Law Department is prepared.

Alderman Kiss stated that this delegation is an attempt for the appellants to circumvent the system. The community wants to go ahead with the Ontario Municipal Board hearing scheduled for Monday. At this time, there should be no changes to the By-law which was passed and approved by City Council.

Alderman Caplan stated that there is no compromise possible and that the delegation should not be heard, especially since there is no settlement before the Committee.

Alderman Copps asked if the neighbourhood had been consulted regarding a settlement, to which Alderman Kiss replied in the negative.

Mayor Morrow stated that he supports Alderman Caplan and Alderman Kiss. He said the neighbourhood situation has been a difficult one. Everyone is concerned including McMaster University and in this case, everything should be done to reflect a positive outcome for the neighbourhood, the University and the students.

Ed Fothergill was present on behalf of Ms. Pelton.

Alderman Drury stated that the delegation was for Helen Pelton and that it was understood that she would prepare and present before the Committee a signed settlement and that this was a condition of the delegation. Since the Committee had no settlement offer before them, Alderman Drury recommended the Committee deny hearing the delegation.

Therefore the Committee concurred that request for the delegation be denied.

6. DIRECTOR OF PLANNING AND DEVELOPMENT, CITY SOLICITOR AND CHIEF ADMINISTRATIVE OFFICER

85 Robinson Street (Thistle Club) - Ontario Municipal Board

The Committee was in receipt of an amended Appendix "C" to the report.

As recommended by the Director of Planning and Development, City Solicitor and Chief Administrative Officer as amended in a report dated 1996 February 12 the Committee recommended to Council as follows:

- (a) That with respect to Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, for property located at 85 Robinson Street (Ontario Municipal Board File Nos. C940123, C940124, Z940041), City Council direct the City Clerk:
 - (i) to forward the executed Minutes of Settlement, hereto as APPENDIX "K" dated 1996 January 19 signed by the Durand Neighbourhood Association, Latco (1986) Developments Limited and the Corporation of the City of Hamilton, to the Ontario Municipal Board; and,
 - (ii) to forward the implementing zoning by-law hereto as APPENDIX "L" to the Ontario Municipal Board;
- (b) That Council reserve the right to review and comment on the merits of any future severance application(s) on the subject lands and that the Ontario Municipal Board should be so advised by the City Clerk.

7. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1996 February 7 were adopted as circulated.

AS RECOMMENDED IN VARIOUS REPORTS IN THE CONSENT AGENDA, THE COMMITTEE RECOMMENDED TO COUNCIL AS FOLLOWS:

B. DIRECTOR OF PLANNING AND DEVELOPMENT

- (a) Mountview Neighbourhood, Authorization for a Public Meeting dated 1996 February 12.

The Planning and Development Committee authorized that an evening public meeting be held to review the revised official plan amendment and neighbourhood plan for the lands owned by Chedoke Health Corporation in Mountview Neighbourhood.

- (b) Draft 1996 Beasley Neighbourhood Plan, Authorization for a Public Meeting dated 1996 February 13.

The Draft 1996 Beasley Neighbourhood Plan attached hereto and marked as Appendix "M" be received and that the Planning and Development Committee co-ordinate a public information meeting at the Beasley Park Community Recreation Centre in April to allow Beasley neighbourhood residents and businesses the opportunity to review and comment on the Draft 1996 Beasley Neighbourhood Plan.

- (c) Site Plan Control Application DA-95-34 to amend approved plans of Site Plan Control Application DA-93-23 for construction of additional columbarium niches at White Chapel Memorial Gardens Cemetery at 1895 Main Street West dated 1996 February 7.

That approval be given to Site Plan Control Application DA-95-34, by White Chapel Memorial Gardens, owners of the lands at 1895 Main Street West as shown on the attached map marked as APPENDIX "N", for construction of additional columbarium niches, and that the owner not be required to enter into the Site Plan Control Agreement nor provide securities for the project, and that notice of the decision be published in accordance with the requirements of the Cemeteries Act.

C. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

- (a) Authorization for attendance - 1996 APA National Planning Conference, April 13 to 17, Orlando dated 1996 February 15
- (i) That the Chairperson of the Planning and Development Committee or his designate be authorized to attend the 1996 APA National Planning Conference, April 13-17, Orlando; and,
- (ii) That costs for attendance be allocated to Aldermen Travel Account No. CH55201 10010 from the 1996 Operating Budget.

A discussion ensued prior to voting on the motion.

Alderman Copps was opposed to the conference. She does not see the benefits to the Committee from attendance at such conferences.

Alderman D'Amico stated that the APA Conference is excellent and he has attended one in the past in Washington which was very informative.

Alderman Drury advised that when in the past he has attended conferences he has distributed to the Committee Members a written report on his attendance and a brief synopsis of all the sessions which were attended.

Victor Abraham advised that last year's Conference was held in Toronto and that there were workshops held in Hamilton as Conference sessions.

* Alderman Copps recorded as opposed.

(b) Information Items

The Committee acknowledged receipt for information purposes the following items which were forwarded to the Members of the Committee under separate cover.

- (i) Ministry of Citizenship, Culture and recreation re: Bill 20 - amendments to the Ontario Heritage Act dated 1996 February 5.
- (ii) Region of Hamilton-Wentworth re: report of the Economic Development and Planning Committee regarding Bill 20 dated 1996 February 7.
- (iii) Hamilton-Wentworth Separate School Board re: Education Development Charges dated 1996 February 8.

8. OTHER BUSINESS

With regard to CI-96-B, the Mayor stated his disappointment with the Traffic Department's view on the matter. He stated that all Departments should be more creative in working together towards the development of the Downtown core.

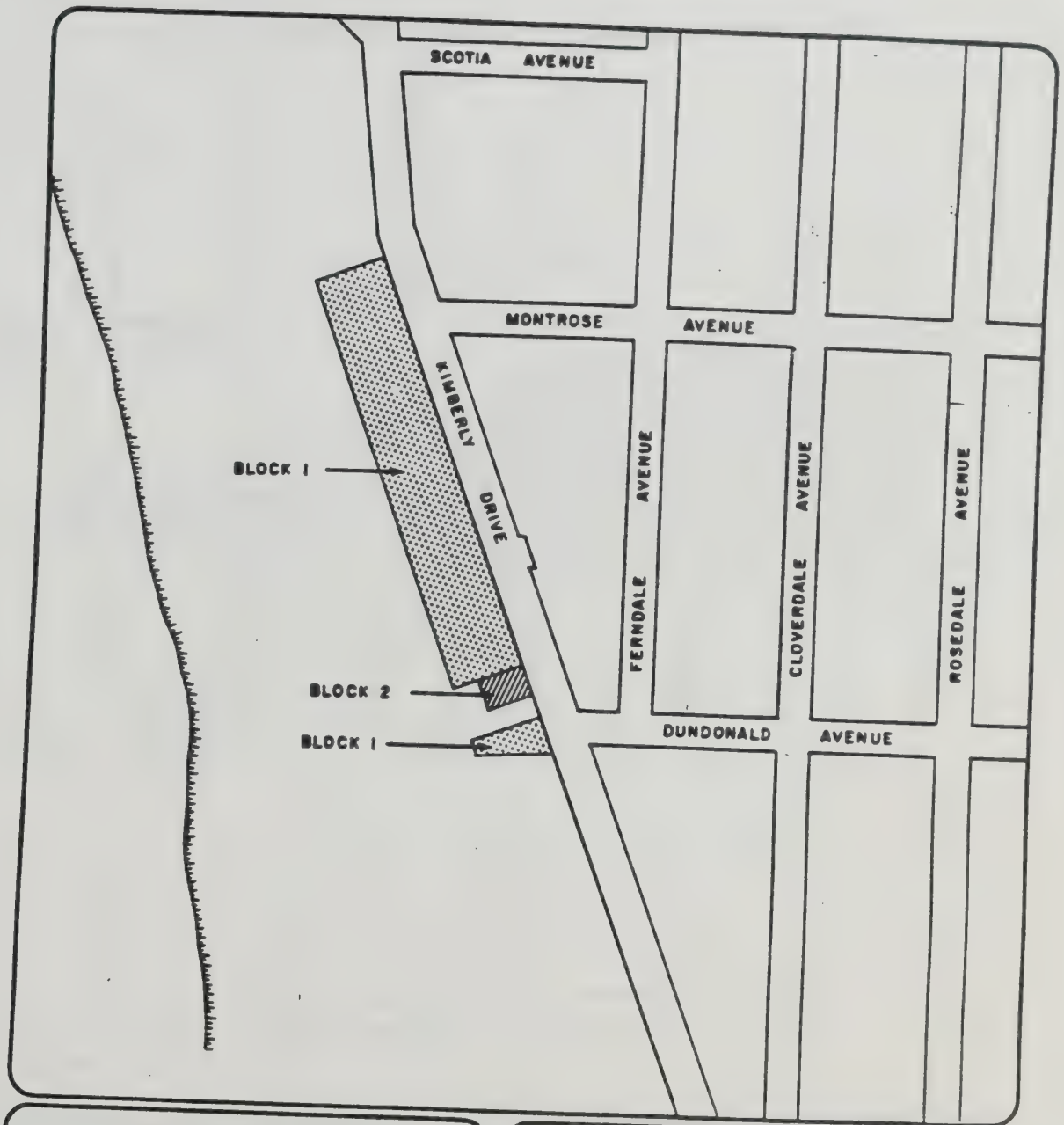
9. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Taken as read and approved.

Alderman Don Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary
/br



City of Hamilton

Appendix 'A'

Planning and Development Department

Legend

Change in zoning from:

- BLOCK 1** "A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Residential) District, modified.
- BLOCK 2** "A" (Conservation, Open Space, Park and Recreation, etc.) District to "B-2" (Suburban Residential) District, modified.

North

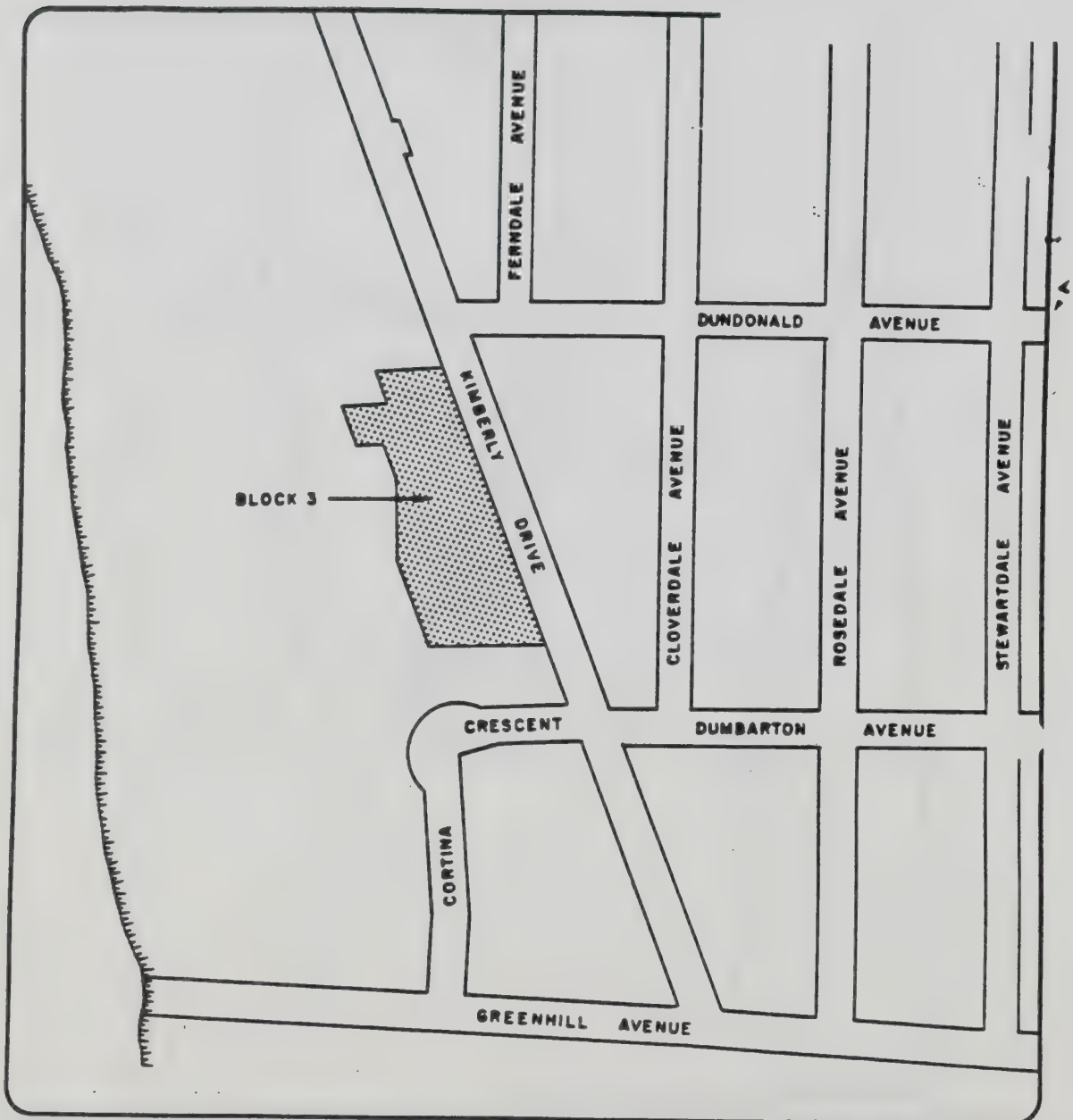


Scale
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Date
JANUARY 1996

Reference File No.
C.I. 94-H

Drawn By
Z.K.



City of Hamilton

Appendix 'B'

Planning and Development Department

Legend

Change in zoning from:



"A" (Conservation, Open Space,
Park and Recreation, etc.) District
to "B-2" (Suburban Residential)
District, modified.

North

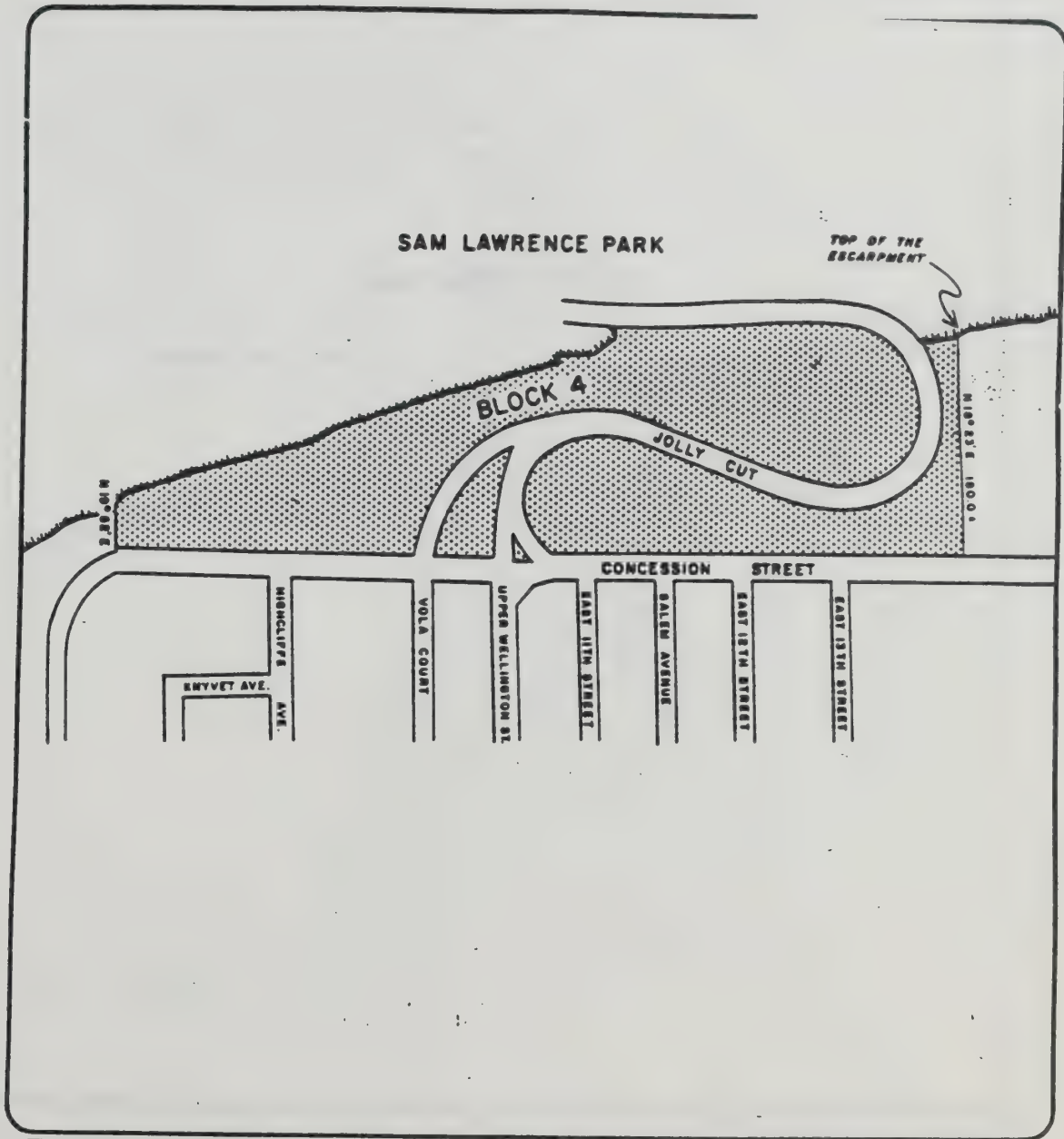


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Date
JANUARY 1996

Reference File No.
C.I. 94-H

Drawn By
Z.K.



City of Hamilton

Appendix 'C'

Planning and Development Department

Legend

BLOCK 4



Modification to the "A" (Conservation,
 Open Space, Park and Recreation,
 etc.) District regulations.

North



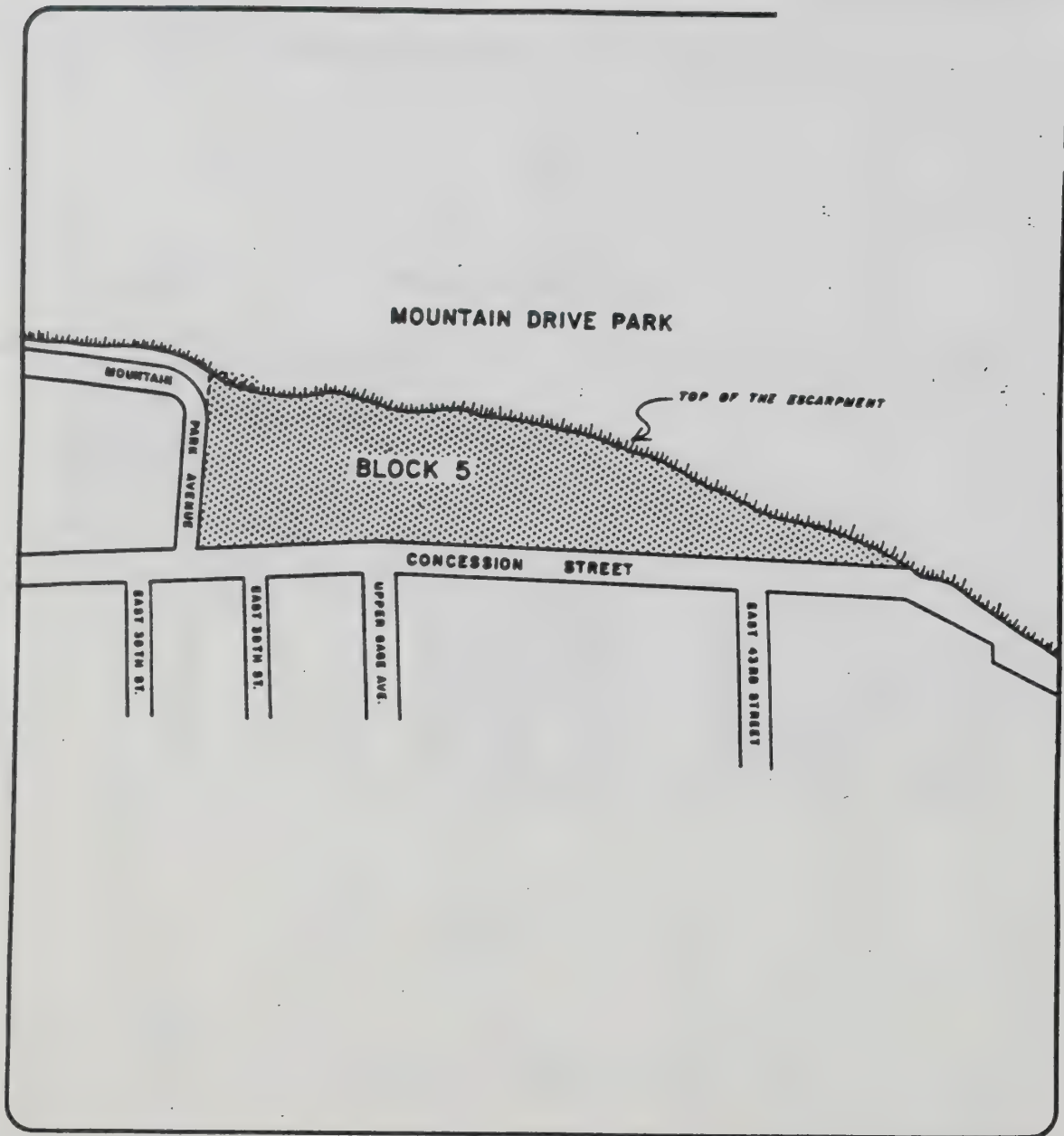
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Date
 JANUARY 1996

Reference File No.

C.I. 94-H

Drawn By
 Z.K.



City of Hamilton

Appendix 'D'

Planning and Development Department

Legend

BLOCK 5



Modification to the "A" (Conservation,
 Open Space, Park and Recreation,
 etc.) District regulations.

North

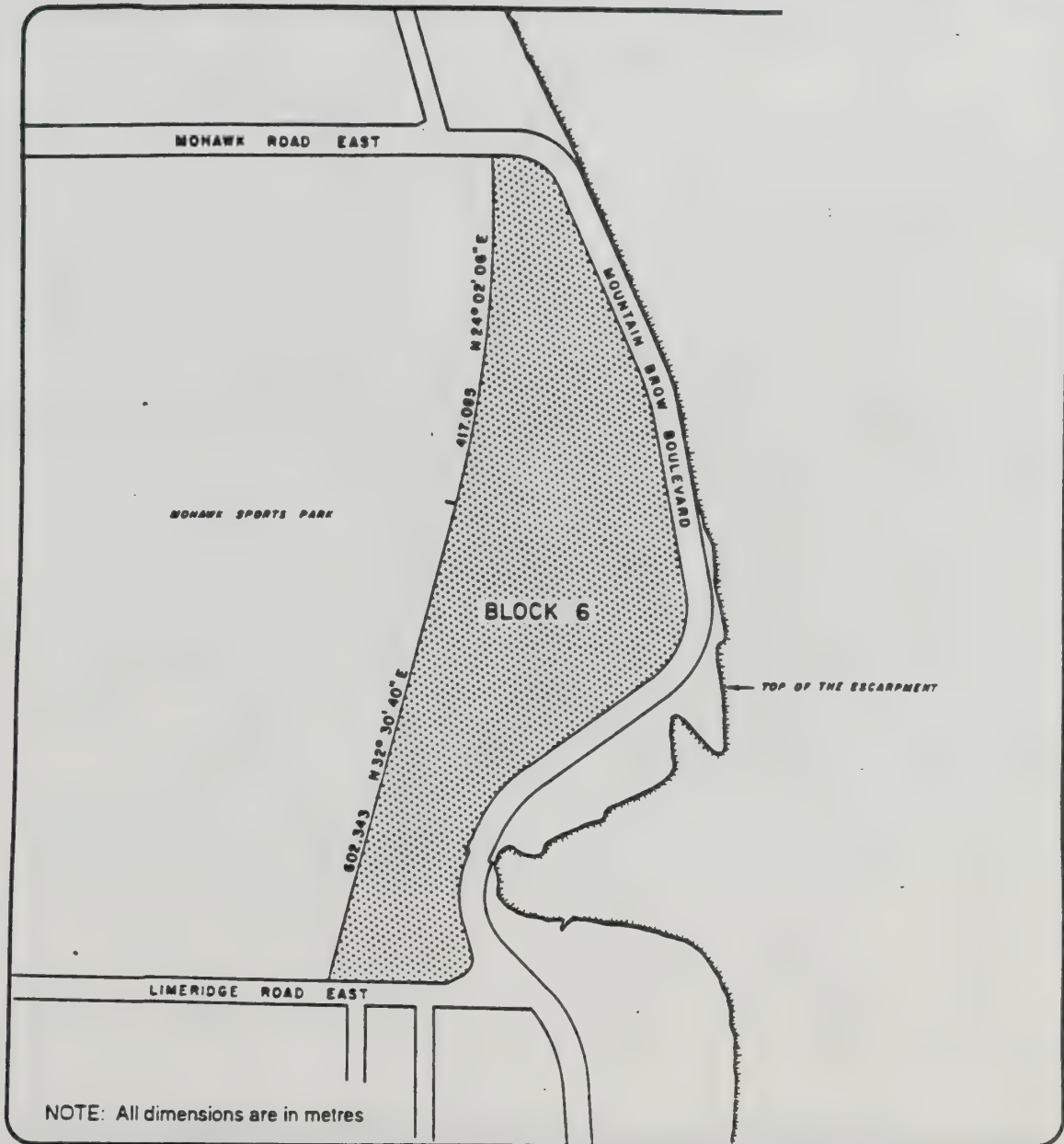


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Date
 JANUARY 1996

Reference File No.
 C.I. 94-H

Drawn By
 Z.K.



City of Hamilton

Appendix 'E'

Planning and Development Department

Legend

BLOCK 6



Modification to the "A" (Conservation, Open Space, Park and Recreation, etc.) District regulations.

North



Scale

Not to Scale

Reference File No.

C.I. 94-H

Date

JANUARY 1996

Drawn By

Z.K.



City of Hamilton

Appendix 'F'

Planning and Development Department

Legend

BLOCK 7



Modification to the "AA"
 (Agricultural) District
 regulations.

North

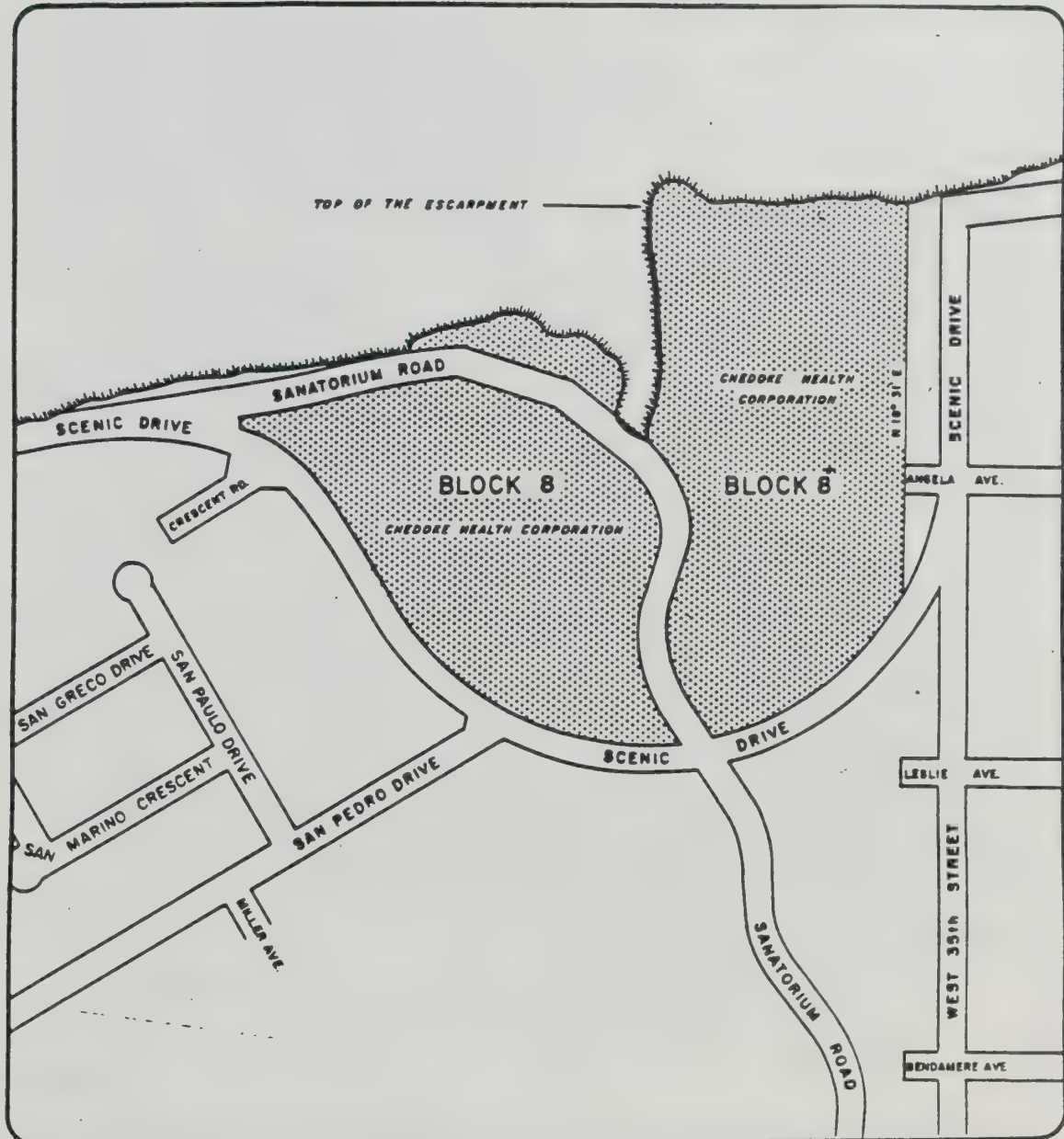


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Date
 JANUARY 1996

Reference File No.
 C.I. 94-H

Drawn By
 R.L.



City of Hamilton

Appendix 'G'

Planning and Development Department

Legend

BLOCK 8



Modification to the
 "AA" (Agricultural)
 District regulations.

North

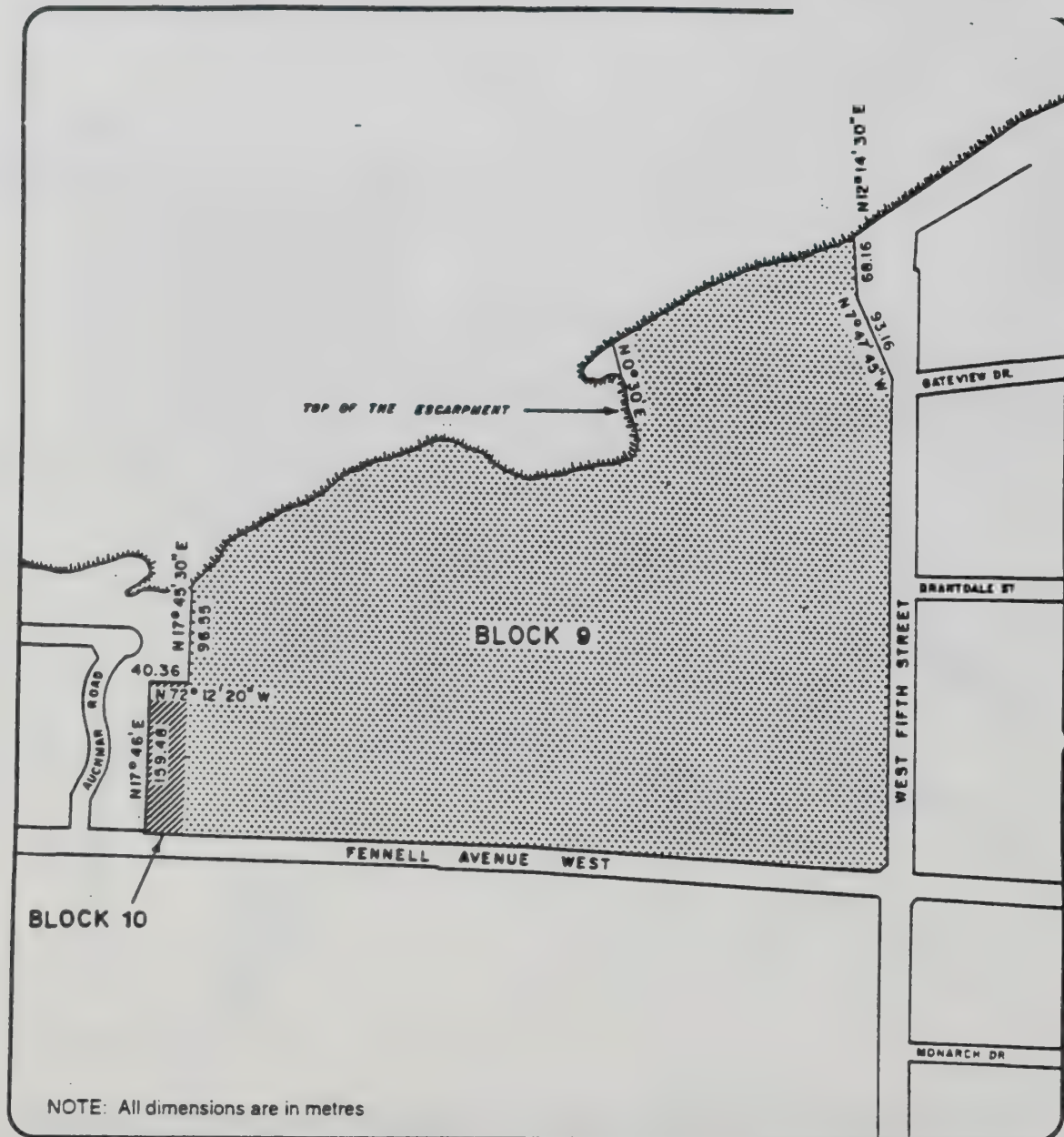


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Date
 JANUARY 1996

Reference File No.
 C.I. 94-H

Drawn By
 Z.K.



City of Hamilton

Appendix 'H'

Planning and Development Department

Legend

BLOCK 9



Modification to the "B" (Suburban
Agriculture and Residential, etc.)
District regulations.

BLOCK 10



Modification to the "B-1" (Suburban
Agriculture and Residential, etc.)
District regulations.

North



Scale
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Date
JANUARY 1996

Reference File No.
C.I. 94-H

Drawn By
Z.K.



City of Hamilton


Appendix "I"

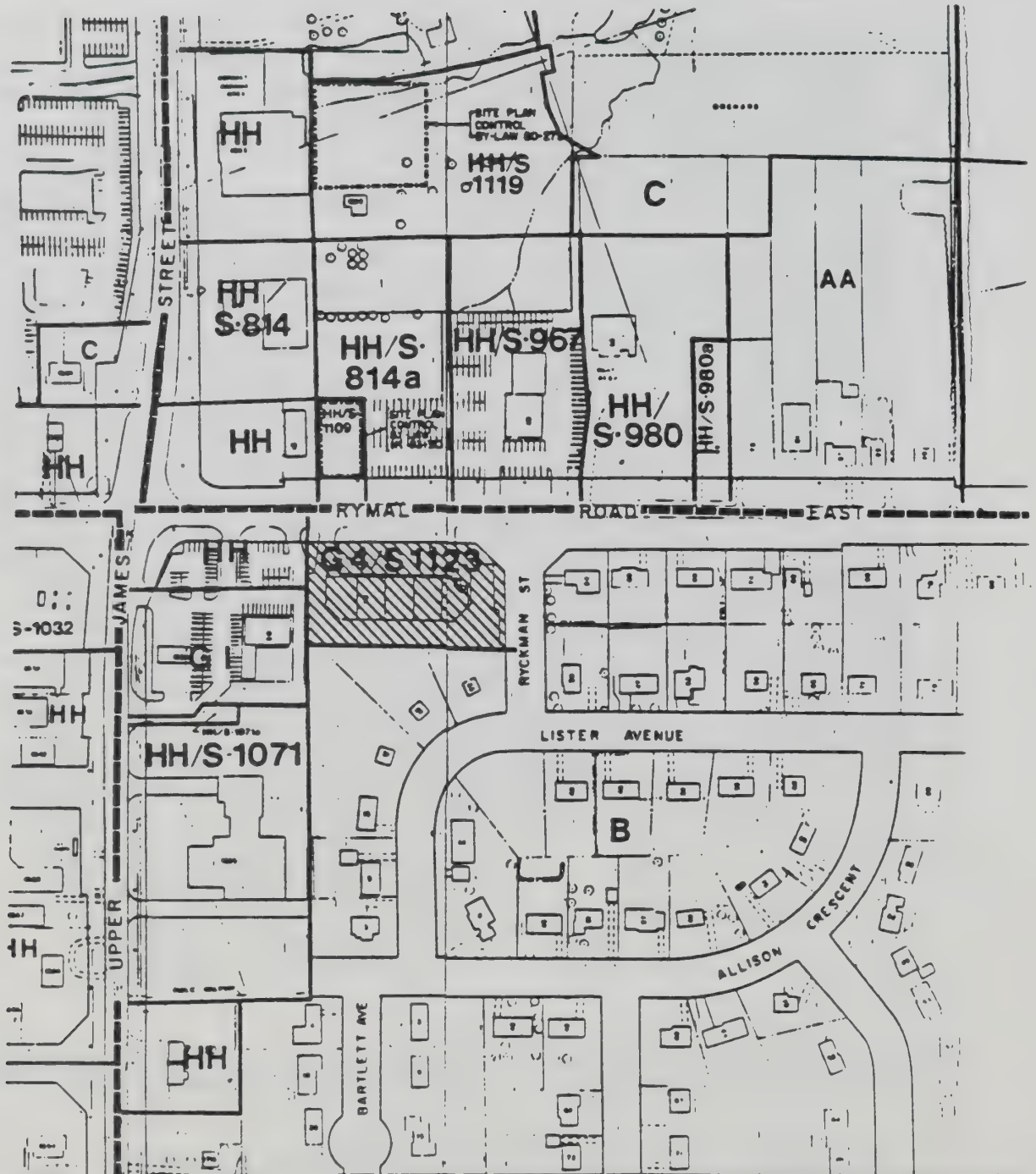
Planning and Development Department

Legend



Lands to be placed under
"Development Control"

North 	Scale NOT TO SCALE	Reference File No. C194-H
	Date February 1996	Drawn By W B



Legend



Site of the Application



MINUTES OF SETTLEMENT

- Between -

DURAND NEIGHBOURHOOD ASSOCIATION INC.
(hereinafter called "Durand")

- and -

LATCO (1986) DEVELOPMENTS LIMITED
(hereinafter called "the developer")

- and -

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called "the city")

The parties hereby noted above agree to settle Ontario Municipal Board File No. Z940041 on the following terms which will be included in a site-specific by-law similar to By-law No. 92-197 (The Carter Square By-law in that the building envelopes and building setbacks are specifically defined in the zoning by-law.)

1. Maximum Gross Floor Area

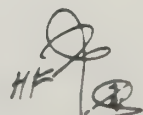
The building fronting onto Robinson Street (hereinafter the Robinson building), the building fronting onto Charlton Avenue (hereinafter the Charlton building) and the remaining Thistle Club building as at 9 January, 1995 shall cumulatively be permitted to have a maximum gross floor area (hereinafter G.F.A.) ratio of 2.25 times the lot coverage (approximately 17,490 sqm or 188,270 sqft.).

2. Maximum Heights

The Robinson Street Building shall have no more than 8 floors. The Charlton Avenue Building shall have a central section of no more than 7 floors and a combination of 3/4/5/4 storey graduation along Charlton Avenue as shown on Schedule "A".

3. Dwelling Unit Cap

The sum total of the dwelling units in both the Robinson Street Building and the Charlton Avenue Building will not exceed 200. If 200 dwelling units are included in one of the buildings, it follows that the other building cannot be constructed.

HF 

4. Thistle Club Site

The land upon which the Thistle Club stands after the development of the Robinson Street Building, hereinafter referred to as the "Thistle Club site", can be redeveloped upon demolition of the then building as follows:

- (a) a building of a maximum G.F.A. of 2,545 sqm (27,395 sqft) can be constructed provided that the maximum G.F.A. ratio, for the entire development site (i.e. those lands upon which the Robinson Street Building and the Charlton Avenue Building are to be constructed and the Thistle Club site) does not exceed 2.25 times lot coverage;
- (b) the maximum height of the new building on the Thistle Club site shall not exceed 4 storeys;
- (c) permitted uses in accordance with the "E" District and "RT-20" District will be permitted on the Thistle Club site;
- (d) set backs for any construction on the Thistle Club site shall be accordance with the building envelope shown on attached Schedule "A";
- (e) parking for the Thistle Club site will be permitted on the lands upon which the Robinson Street building and the Charlton Avenue building are constructed.

5. Amenity Space for the Charlton Avenue and Robinson Street Buildings

- (a) for the purposes of these Minutes of Settlement, Amenity Area shall be the same as that described in section 2.(2)H.(ia) of By-law 6593 as of January 9, 1995 with a modification such that landscaping, patios and balconies are not included. Landscaping, patios and balconies shall not be considered as amenity area for the purposes of these Minutes of Settlement;
- (b) in regard to the Charlton Avenue Building the developer must provide 4,000 sqft of amenity space. Amenity space to a maximum of 4,000 sqft will not be included in the G.F.A. calculation for the Charlton Avenue Building;
- (c) in regard to the Robinson Street Building the developer must provide 3,000 sqft of amenity space. Amenity space to a maximum of 3,000 sqft will not be included in the G.F.A. calculation for the Robinson Street Building;
- (d) with respect to the Charlton Avenue building where balconies are enclosed, the resultant increase in G.F.A. will be excluded to a maximum of 9,000sqft. It is understood that no G.F.A. bonus will be given for a particular balcony unless it is enclosed;

HFT 

- (e) with respect to the Robinson Street building where balconies are enclosed, the resultant increase in G.F.A. will be excluded to a maximum of 7,500 sqft. It is understood that no G.F.A. bonus will be given for a particular balcony unless it is enclosed;
- (f) a site specific by-law will be prepared in a form similar to By-law No. 92-197 (the Carter Square By-law);
- (g) the building setbacks do not include the balconies of each of the buildings in the calculations.

6. Traffic

The developer will provide the services of professional transportation engineers, at the developer's cost, to a maximum of \$7,500.00 to assist Durand in conducting an analysis of through traffic on Charlton Avenue with a view to making recommendations to the City regarding improvement in those patterns on Charlton Avenue.

7. Site Plan Agreements

The developer agrees that it will enter into one or more Site Plan Agreements with the City in the City's standard form.

8. Site Plan Consultation

The Developer undertakes that in the site plan design stage it will do the following:

- (a) provide the Durand with a copy of its proposed Site Plan at the time it is filed with the City and consult in good faith with the Durand on the Site Plan during the site plan process;
- (b) obtain and reasonably consider professional advice regarding the potential of the building design to cause wind shear or cyclonic impacts at the ground level of the Robinson building.

9. Existing By-law 88-261

That which is permitted under By-law 88-261 will continue to be permitted. It must be noted that the developer will have two options for the site; one being that which is permitted under By-law 88-261; and the other option being that which is permitted under these Minutes of Settlement. A hybrid of the two options will not be permitted by By-law 88-261 or the By-law enacted further to these Minutes of Settlement.

Handwritten signature and initials, possibly "HF" and "ES", in the bottom right corner.

10. Severances



Durand agrees that it will not oppose subsequent applications by the developer for severances to implement the proposed property lines shown on the attached Schedule B for the construction only of one or more of the buildings each described in these Minutes of Settlement as Schedule A .

11. Authorization

The authorization for these Minutes of Settlement from the Council for the City of Hamilton is contained within the Fourth Report of the Planning and Development Committee, as adopted by City Council, at its meeting held 1995 January 10 (copy attached as Schedule "C").

12. Subsequent Owners

The developer agrees to bind subsequent owners to enter into Assumption Agreements concerning these Minutes of Settlement with the Durand and the City.

HF  

DATED at the City of Hamilton this 11th day of Jan 1995. *6 7 44*

DURAND NEIGHBOURHOOD ASSOCIATION
INC.
"Durand"

Robert Falken, President of above
Maurice Sheppard, Secretary

To 2000
DATED at the City of Hamilton this 5th day of Jan. 1995. *We have the authority to bind the corporation*

LATCO (1986) DEVELOPMENTS LIMITED
"the developer"

John *L. Popatky*
DATED at the City of Hamilton this 19th day of Jan 1995. *A.S.C.*

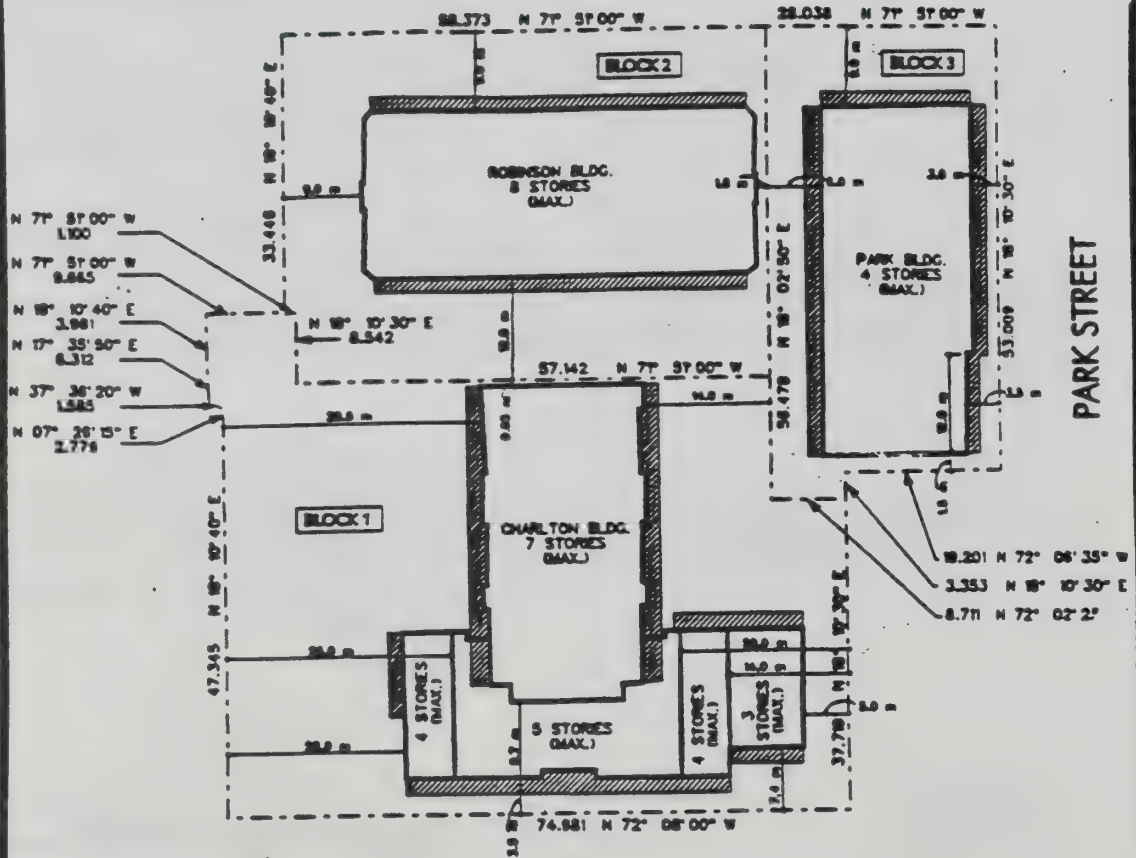
THE CORPORATION OF THE CITY OF
HAMILTON
"the City"

APPROVED
AS TO FORM
FOR
PNS
CITY SOLICITOR

Robert M. Morrow
ROBERT M. MORROW, MAYOR
ALDERMAN D. DRURY, ACTING MAYOR

Joseph J. Schatz
JOSEPH J. SCHATZ, CITY CLERK

ROBINSON STREET



CHARLTON AVE

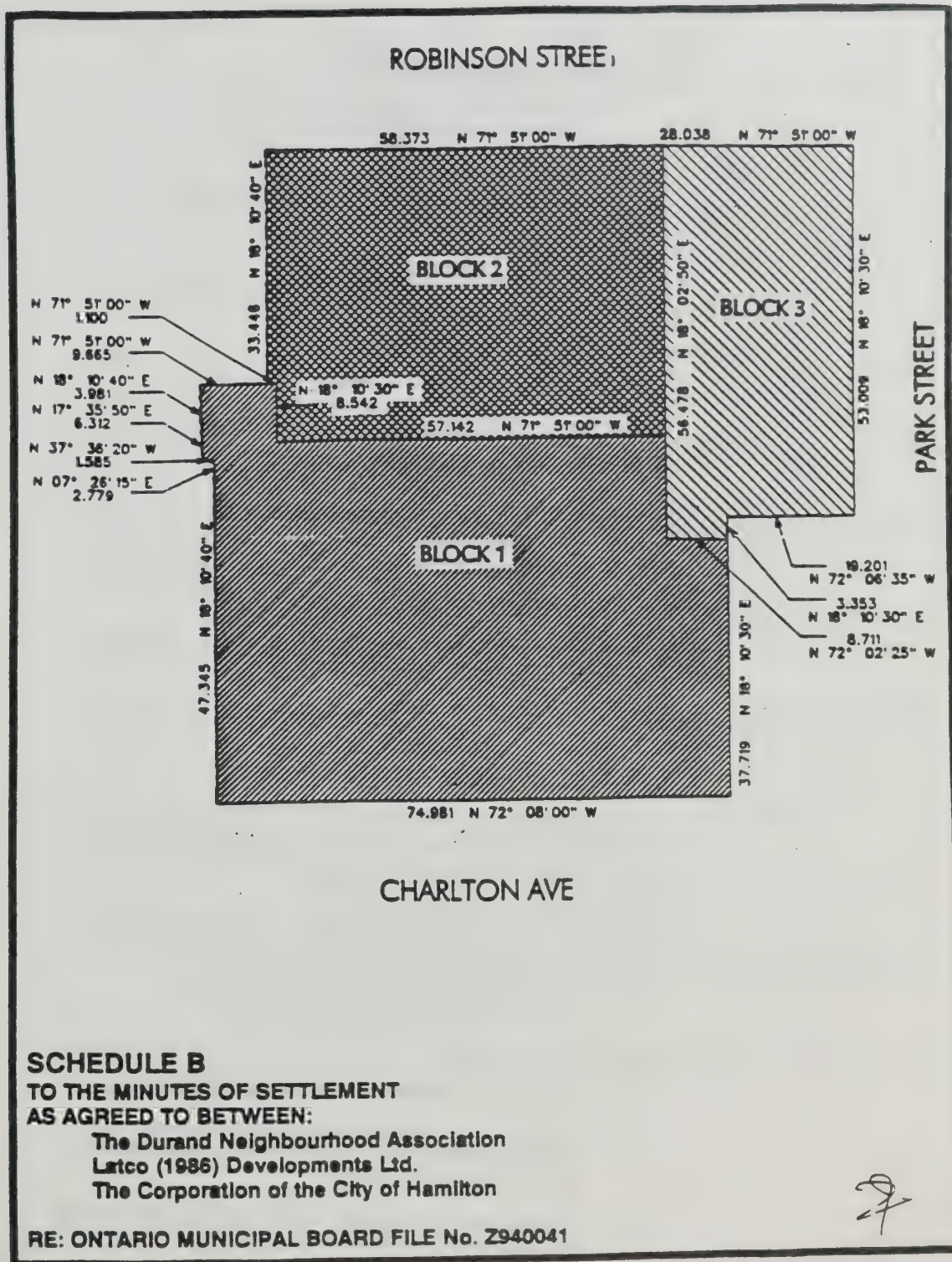
SCHEDULE A

TO THE MINUTES OF SETTLEMENT
AS AGREED TO BETWEEN:

The Durand Neighbourhood Association
Latco (1986) Developments Ltd.
The Corporation of the City of Hamilton

RE: ONTARIO MUNICIPAL BOARD FILE No. Z940041

Handwritten signature/initials



HF *[Signature]*

SCHEDULE C
TO THE MINUTES OF SETTLEMENT
AS AGREED TO BETWEEN:
The Durand Neighbourhood Association
Latco (1986) Developments Ltd.
The Corporation of the City of Hamilton
RE: ONTARIO MUNICIPAL BOARD FILE No. Z940041

1995 January 10

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE



To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its FOURTH Report for 1995 and respectfully recommends:

1. The compromise reached with respect to amended Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, for lands located at 85 Robinson Street (Thistle Club), as shown on the attached map marked as appendix "A", between the owner (Latco (1986) Developments Limited) and the Durand Neighbourhood Association can be supported on the following basis:
 - the existing By-law No. 88-261 is to be amended so that the developer has two individual options for the development of the property:
 - the first option would be to allow that which is permitted under By-law No. 88-261;
 - the second option would allow for:
 - (a) two apartment buildings, one fronting onto Robinson Street and one fronting onto Charlton Avenue, and the remaining Thistle Club building with a maximum gross floor area ratio of 2.25 times lot coverage (approximately 17,490 m² or 188,270 feet²);
 - (b) if/when the remaining Thistle Club building is demolished, the vacant lands would be redeveloped on the following basis:
 - (i) maximum gross floor area of 2545 m² (27,395 feet²);
 - (ii) maximum height of 4 stories;
 - (iii) minimum yard requirements: as per attached Appendix "B";
 - (iv) permitted uses in accordance with the "E" District regulations; and townhouses, street townhouses and maisonettes in accordance with the "RT-20" District regulations;
 - (v) maximum gross floor area ratio, including two apartment buildings in Part (a) above, would not exceed 2.25;

- (vi) parking will be permitted on the lands upon which the building facing Robinson Street and the building facing Charlton Avenue are to be constructed;
- (c) the following will be established with respect to amenity area:
- (i) "amenity area" be defined as "an area on the same lot accessory to a residential use, including communal areas such as swimming pools, lounges, and recreation areas";
- (ii) amenity area will be provided on the following basis:
- Building facing Robinson Street - a minimum of 278.7 m^2 (3000 feet²); and,
- Building facing Charlton Avenue - a minimum of 371.6 m^2 (4000 feet²);
- (iii) required amenity area will not be calculated as part of the gross floor area ratio of 2.25 up to maximums as set out below:
- Building facing Robinson Street:
Amenity area to a maximum of 278.7 m^2 (3000 feet²) will not be included in the gross floor area calculation;
- Where balconies are enclosed, the resultant increase in gross floor area will be excluded up to a maximum of 696.75 m^2 (7500 feet²);
- Building facing Charlton Avenue:
Amenity area to a maximum of 371.6 m^2 (4000 feet²) will not be included in the gross floor area calculation;
- Where balconies are enclosed the resultant increase in gross floor area will be excluded up to a maximum of 836.1 m^2 (9000 feet²);
- (d) not more than 200 dwelling units in the building facing Robinson Street and the building facing Charlton Avenue combined (not including the remaining Thistle Club lands);
- a site specific by-law be prepared in a form similar to By-law No. 92-197 (the Carter Square by-law);


HF 

1995 January 10

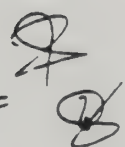
- the applicant will engage traffic engineers to work with the Durand Neighbourhood Association and make recommendations to the City Traffic Department concerning the traffic impacts on Charlton Avenue; and,
 - the applicant will provide an undertaking to:
 - provide the Durand Neighbourhood Association with a copy of its proposed Site Plan at the time it is filed with the City and consult in good faith with Durand on the Site Plan during the site plan process; and,
 - obtain and reasonably consider professional advice regarding the potential of the building design to cause wind shear or cyclonic impact at the ground level of the building facing Robinson Street.
2. That staff be directed to advise the Ontario Municipal Board that the City supports the compromise as set out in Recommendation No. 1.

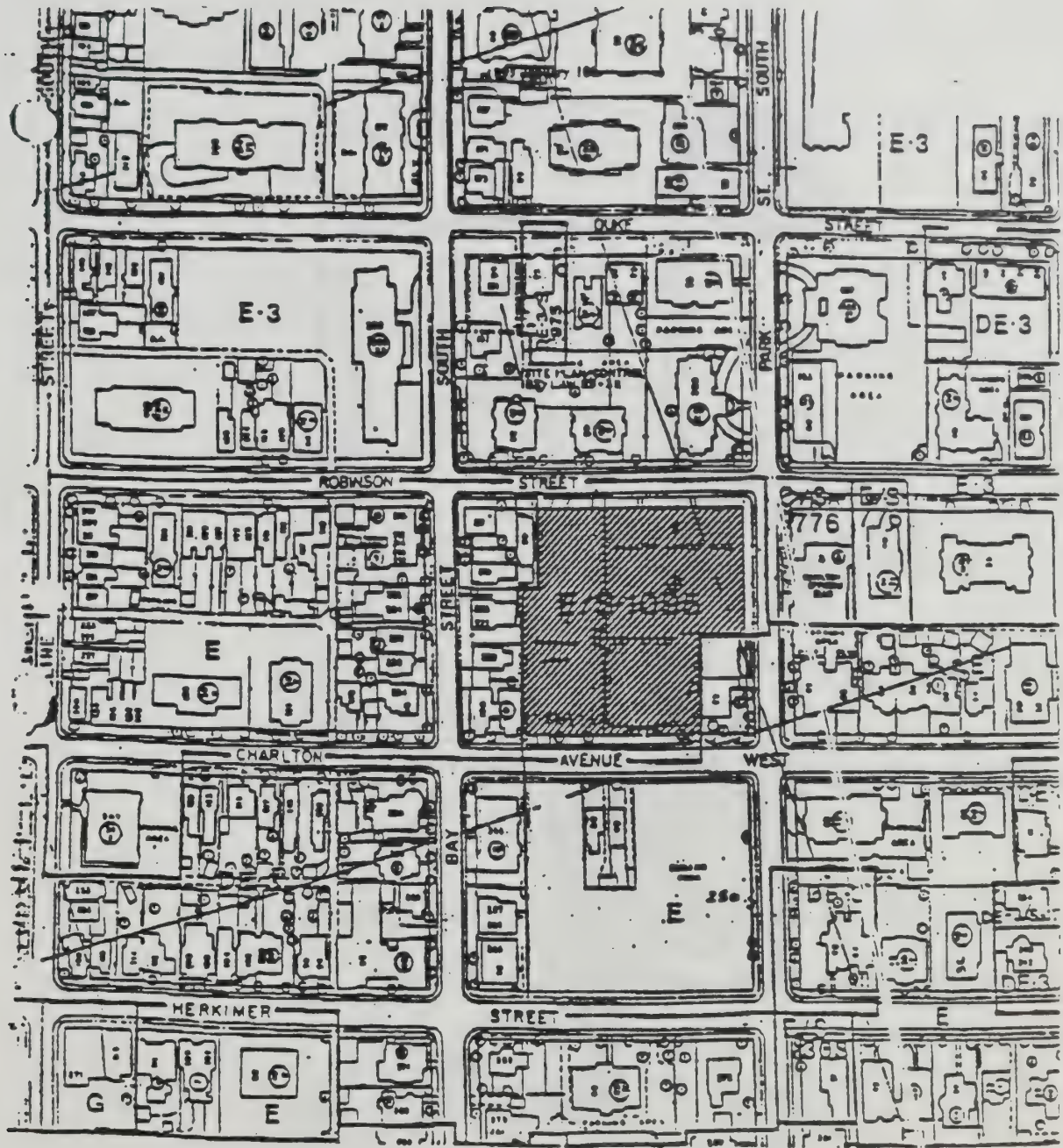
RESPECTFULLY SUBMITTED,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE**

Stella Glover
Secretary

1995 January 10

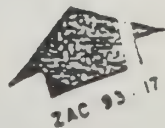
HF 

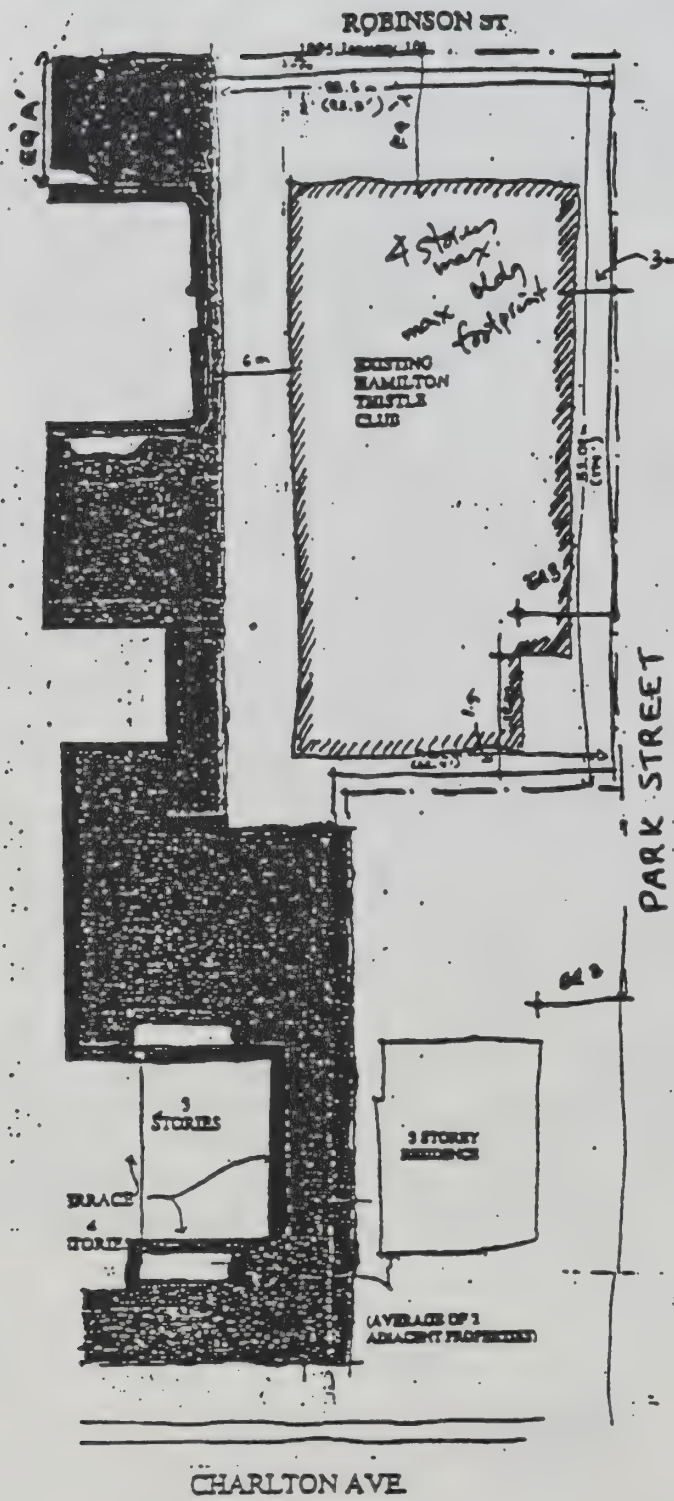


Legend



Site of the Application





The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 85 ROBINSON STREET

WHEREAS it is intended to establish special requirements under Section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 88-261 on the 8th day of November 1988 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "E" District, in respect of the land located at Municipal No. 85 Robinson Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Ontario Municipal Board by its Memorandum of Oral Decision (Files No. C940123, C940124, Z 940041), dated the 16th day of January 1995, directed that By-law No. 88-261 be amended as hereinafter provided;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to permit two mutually exclusive development options in respect of the land located at Municipal No. 85 Robinson Street, in addition to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions of Zoning By-law No. 6593;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended as set out below such that the lands might be developed by way of one of two distinct options and not a hybrid of the two. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions will also continue to be applicable to the lands notwithstanding the two options noted herein.

OPTION NO. 1

2. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended, to the extent only of the special requirements that,

- (a) notwithstanding Section 2.(2)A.(xiia) of By-law No. 6593, a residential care facility shall be permitted in the same building as the multiple dwelling;

- (b) notwithstanding Section 2.(2)J.(xb) of By-law No. 6593, a pedestrian entranceway to underground parking shall be permitted within the landscaped area required under Section 18A.(12) of By-law No. 6593;
- (c) Section 4.(3)(a) of By-law No. 6593 shall not apply;
- (d) notwithstanding Section 11.(1)(iii) of By-law No. 6593, the multiple dwelling shall provide not more than 110 dwelling units;
- (e) notwithstanding Section 11.(1)(iiib) of By-law No. 6593, the residential care facility shall accommodate not more than 162 residents, all of whom shall be not less than 60 years of age;
- (f) notwithstanding Section 11.(1)(viii) of By-law No. 6593, continued use of the private club is permitted only within the building or any portion thereof existing at the date of the passing of this by-law;
- (g) notwithstanding Section 11.(3)(ii)(b) of By-law No. 6593, a side yard of not less than 8.0 m in width shall be provided and maintained along the westerly side lot line within 33.4 m of Robinson Street;
- (h) notwithstanding Section 11.(3)(iii)(b) of By-law No. 6593, a rear yard of not less than 8.0 m in depth shall be provided and maintained along Charlton Avenue;
- (i) notwithstanding Section 11.(5) of By-law No. 6593, a gross floor area of not more than 22,130.0 m² shall be permitted;
- (j) Section 11.(7) of By-law No. 6593 shall not apply;
- (k) notwithstanding Section 18.(3)(vi)(b)(i) of By-law No. 6593, a canopy may project not more than 2.5 m into the required front yard;
- (l) notwithstanding Section 18.(3)(vi)(cc)(i) of By-law No. 6593, a balcony may project not more than 1.4 m into the required front yard;
- (m) notwithstanding Section 18A.(1)(a) of By-law No. 6593, not less than 173 parking spaces shall be provided and maintained;
- (n) notwithstanding Section 18A.(11)(a) and 18A.(12)(b) of By-law No. 6593, the boundary of the loading space shall be fixed not less than 0.4 m from the boundary of the adjoining residential district.

OPTION NO. 2

3. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on plans hereto annexed as Schedule "B" and Schedule "C", are further amended to the extent only of the special requirements that,

- (a) notwithstanding Sections 11(2), 11(3), 18(3), and 18(8) of By-law No. 6593, the maximum building heights above grade, minimum yards and minimum building distance separations shall be provided and maintained in accordance with the attached Schedule "C". Above grade buildings shall be located wholly within the areas outlined by the heavy building envelope lines as is shown on Schedule "C". Building envelopes shall be variable to the maximum distances shown on Schedule "C" provided that the minimum setbacks shown on Schedule "C" are met. Minimum setbacks shall not be compromised by maximized building envelopes;

(b) notwithstanding Section 11(3) of By-law No. 6593 and Section 3(a) of this by-law, the following setbacks are required for any building within Block 1:

- (i) from Block 2 - minimum 0.05 metres,
- (ii) from Block 3 - minimum 14.0 metres,

as shown on Schedule "C";

(c) notwithstanding Section 11(3) of By-law No. 6593 and Section 3(a) of this by-law, the following setbacks are required for any building within Block 2:

- (i) from Block 1 - minimum 12.0 metres,
- (ii) from Block 3 - minimum 1.0 metres,

as shown on Schedule "C";

(d) notwithstanding Section 11(3) of By-law No. 6593 and Section 3(a) of this by-law, the following setbacks are required for any building within Block 3:

- (i) from Block 1 - minimum 4.8 metres,
- (ii) from Block 2 - minimum 6.0 metres,

as shown on Schedule "C";

(e) notwithstanding Section 18(3)(vi)(cc) of By-law No. 6593, balcony projections for all yards are not to exceed 1.5 m, including enclosed balconies;

(f) notwithstanding Section 11(5) of By-law No. 6593, the following provisions apply:

- (i) a maximum gross floor area of 2.25 times the lot area of Blocks 1, 2 and 3 as shown on Schedule "B" shall be permitted;
- (ii) a maximum of 200 dwellings units shall be permitted on Blocks 1 and 2 combined;
- (iii) a maximum gross floor area of 2,545 m² (27,395 feet²) shall be permitted on Block 3, provided that the maximum gross floor area ratio for the entire site (Blocks 1, 2 and 3) does not exceed 2.25 times lot area;

all in accordance with the attached Schedule "C";

(g) amenity area shall be provided and maintained on the following basis:

- (i) Block 1 - minimum of 371.6 m² (4,000 feet²); and
- (ii) Block 2 - minimum of 278.7 m² (3,000 feet²);

(h) the required amenity area noted in (h) above will not be calculated as part of the gross floor area ratio of 2.25 up to maximums as follows:

- (i) Block 1 - amenity area to a maximum of 371.6 m² (4,000 feet²); and
- (ii) Block 2 - amenity area to a maximum of 278.7 m² (3,000 feet²);

- (i) where balconies are enclosed, the resultant increase in gross floor area will not be calculated as part of the gross floor area ratio of 2.25 as follows:
 - (i) Block 1 - to a maximum of 836.1 m² (9,000 feet²); and
 - (ii) Block 2 - to a maximum of 696.75 m² (7,500 feet²);
- (j) for the purposes of Option No. 2, "amenity space" shall be defined as: "an area on the same lot accessory to a residential use, including communal areas such as swimming pools, lounges and recreation areas, but does not include landscaping, patios and balconies";
- (k) notwithstanding Section 11(1) of By-law No. 6593, townhouses, street townhouses or maisonettes shall be permitted on Block 3;
- (l) notwithstanding Section 11(1)(viii) of By-law No. 6593, and Sections 3(a) to 3(k) of this by-law, the continued use of the private club is permitted only within the building or any portion thereof existing at the date of the passing of this by-law;
- (m) notwithstanding Section 18A of By-law No. 6593, required parking for Block 3 may be provided and maintained on Blocks 1 and 2, subject to the registration on title of irrevocable site plan agreements for each of Blocks 1, 2 and 3 between the respective owner(s) of Blocks 1, 2 and 3 and the City. In the event that required parking for Block 3 is not being provided and maintained by such a site plan agreement, parking for Block 3 must be provided and maintained on Block 3;
- (n) notwithstanding Section 18A of By-law No. 6593, required parking, access driveways, and manoeuvring space for Block 1 and Block 2 may be provided and maintained on both Block 1 and Block 2, subject to the registration on title of irrevocable site plan agreements for each of Blocks 1 and 2 between the respective owner(s) of Blocks 1 and 2 and the City. In the event that required parking, access driveways, and manoeuvring space for each of Blocks 1 and 2 is not being provided and maintained by such site plan agreements, required parking, access driveways and manoeuvring space for each of Blocks 1 and 2 must be provided and maintained on Block 1 and Block 2, respectively;
- (o) notwithstanding Section 18A of By-law No. 6593, one loading space measuring 3.7 metres by 9.0 metres shall be provided and maintained on each of Block 1 and Block 2.

4. Where the land is developed in accordance with Option No. 1, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirements referred to in Section 2.

5. Where the land is developed in accordance with Option No. 2, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirements referred to in Section 3 of this by-law.

6. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1343.

7. Sheet No. W-5 of the District Maps is amended by marking the lands referred to in Sections 2 and 3 of this by-law, S-1343.

8. By-law No. 88-261 is hereby repealed in its entirety.

PASSED this day of

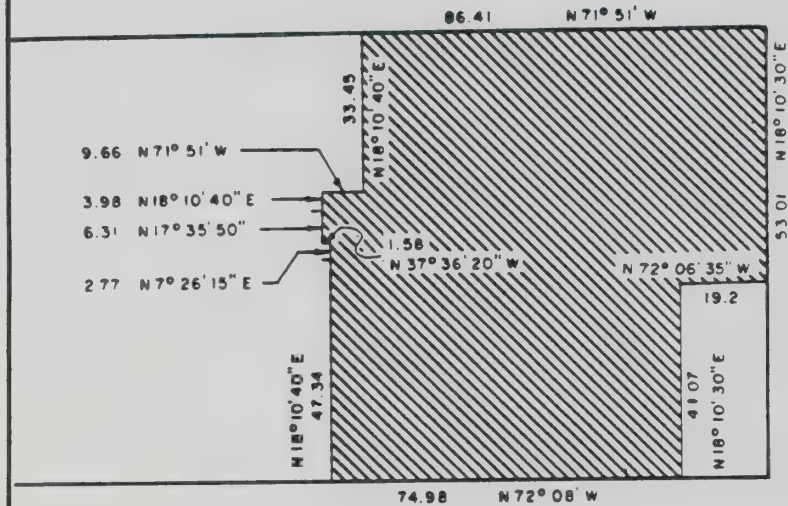
A.D. 1996

CITY CLERK

MAYOR

(1995) 4 R.P.D.C. 1, January 10
Latco (1986) Developments Limited, Owner
ZAC-93-17

ROBINSON STREET



PARK STREET SOUTH

CHARLTON AVENUE

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96.....
Passed the day of, 1996

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96
to Amend By-Law No. 6593

Legend



Lands to be regulated by
By-Law No. 96.....

North

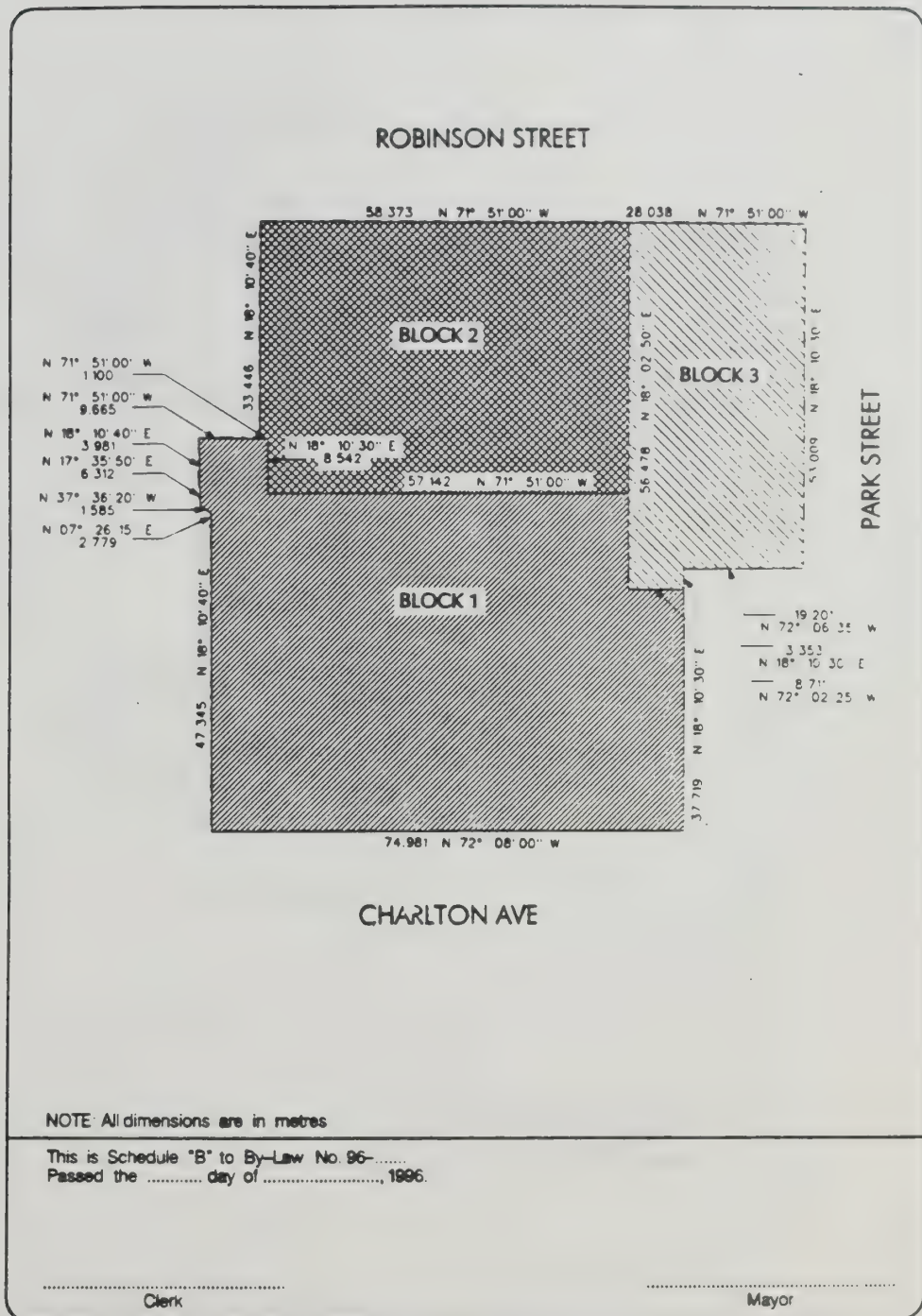


Scale
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Date
FEB. 1996

Reference File No
ZAC-93-17

Drawn By
ZK



City of Hamilton

Schedule B

Map Forming Part of
By-Law No. 96-.....
to Amend By-Law No. 6593

Planning and Development Department

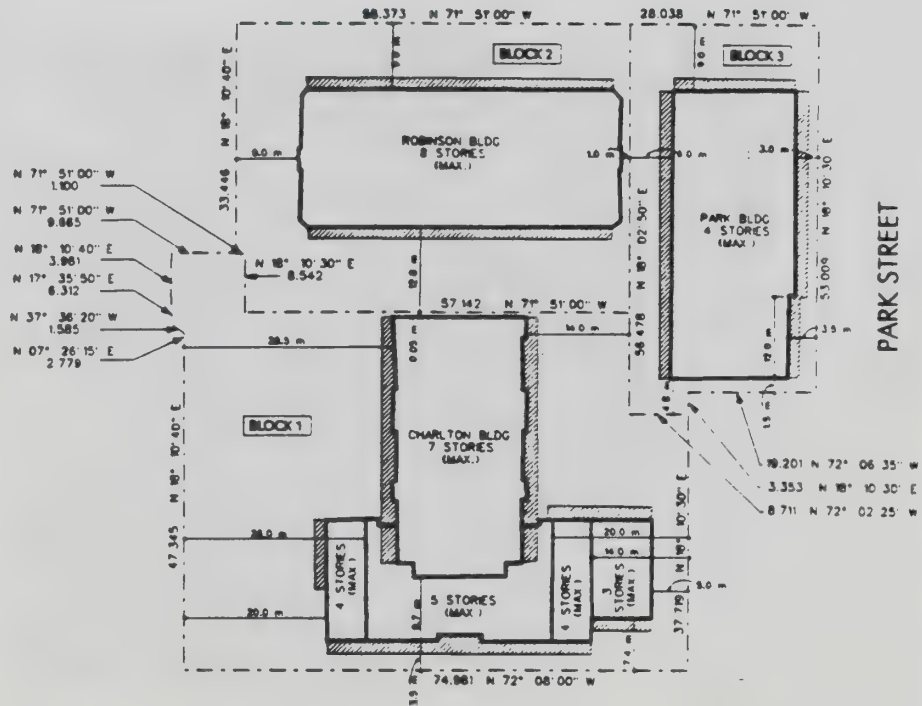
Legend

	BLOCK 1
	BLOCK 2
	BLOCK 3

Lands to be regulated by
By-Law No. 96-.....

North 	Scale Not to Scale Date FEB 1996	Reference File No. ZAC-93-17 Drawn By R.L.
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ROBINSON STREET



CHARLTON AVE

NOTE: All dimensions are in metres

This is Schedule "C" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule C

Map Forming Part of
By-Law No. 96-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

- BUILDING ENVELOPES
- BALCONIES / SUNROOMS

North



Scale
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Date
FEB 1996

Reference File No.
ZAC-93-17
Drawn By
R.L.

THE 1996 BEASLEY NEIGHBOURHOOD PLAN

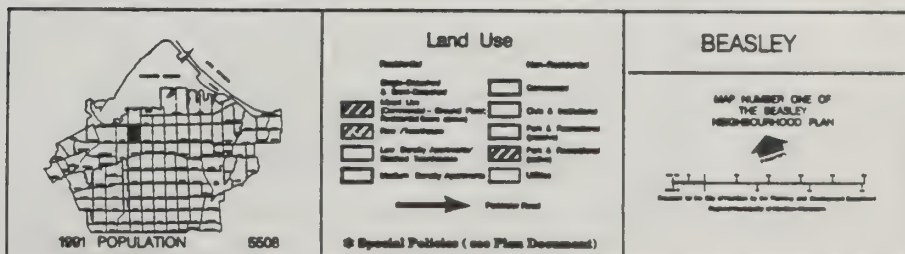
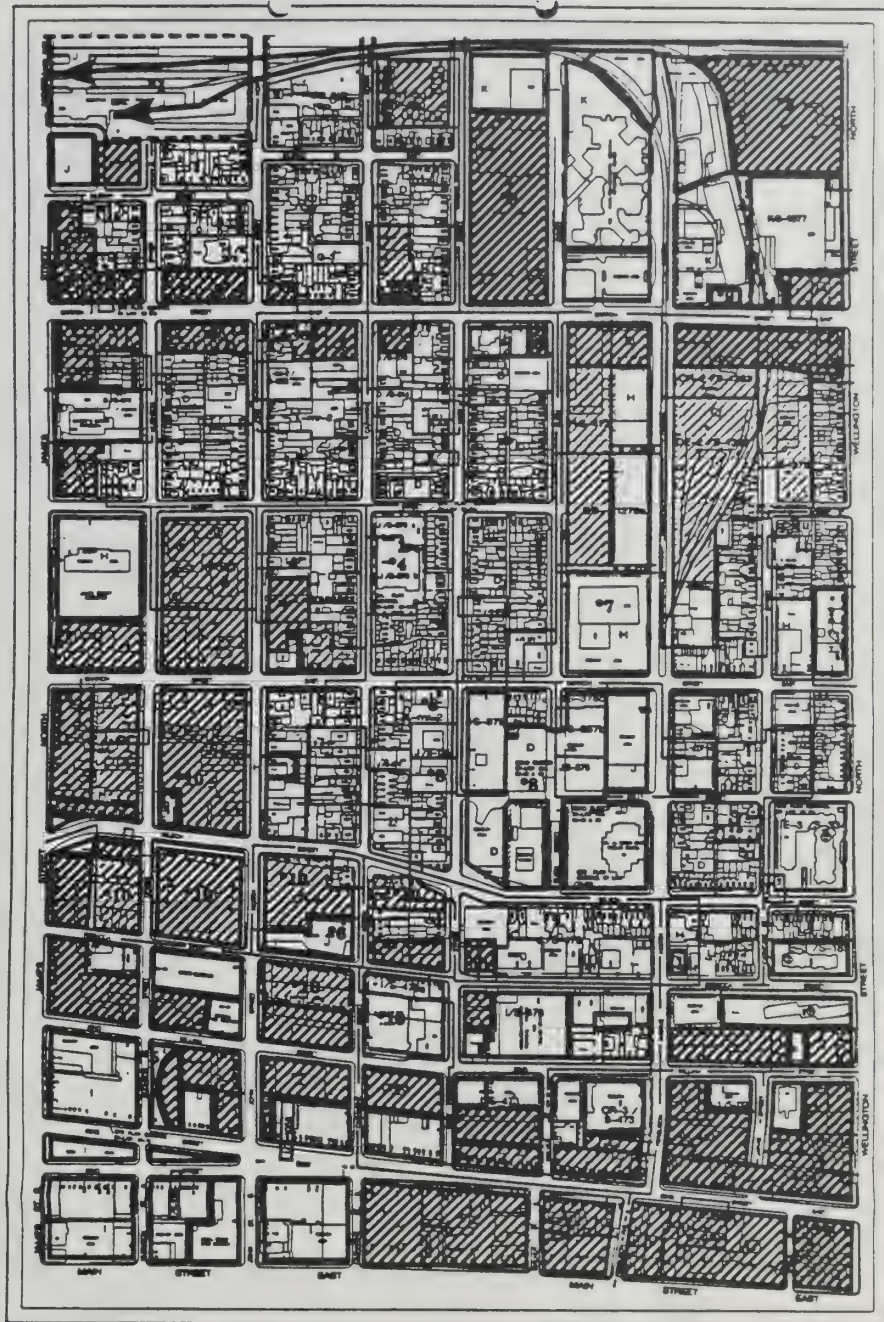
**Prepared By:
The Beasley Neighbourhood Plan Review Team
February, 1996**

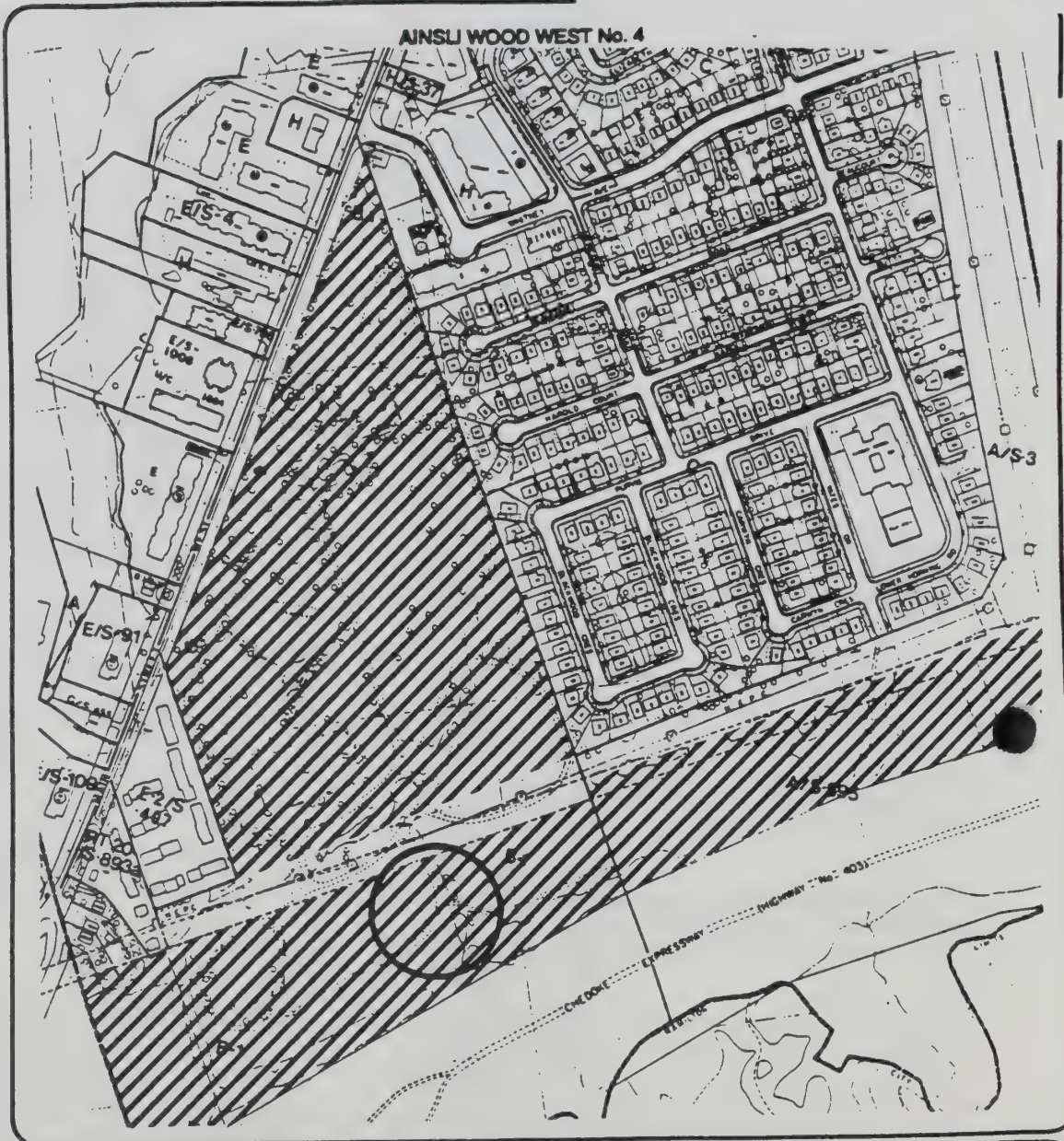
Map One reflects the long-term, i.e., 15 to 20 year, land use objectives for Beasley Neighbourhood, which embody the land use planning principles noted above. Planning documents should provide guidance and direction in regard to development or redevelopment within a neighbourhood, in addition to outlining preferred future land uses. Beasley Neighbourhood contains a number of unique land parcels that may undergo development or redevelopment in the coming years. Accordingly, a number of Special Policy Areas on Map One are noted with the intent to provide further planning guidance in the event a proposal for development and/or redevelopment arises and highlights other areas of importance to the neighbourhood.

Beyond land use planning concerns, there are a number of issues that are apparent in Beasley Neighbourhood that require attention by the City of Hamilton. These issues are of concern to all Beasley residents and businesses as they affect the "quality-of-life" and will contribute positively to the goal of attracting newcomers and creating stability in the neighbourhood. Issues such as the transportation network, the need for market value assessment, crime and safety and vacant lands.

The Beasley Neighbourhood Plan Review Team has prepared the following recommendations:

- 1) That City Council adopt the 1996 Beasley Neighbourhood Plan document and associated schedules and policies as the revised Beasley Neighbourhood Plan;
- 2) That the Planning and Development Department undertake the necessary rezonings to bring the current zoning in Beasley Neighbourhood in line with the goals and objectives of the Beasley Neighbourhood Plan.
- 3) That the Parks Division of the Department of Public Works and Traffic commit to the proposed park and green space locations as identified on Map One of the Beasley Neighbourhood Plan and liaise with appropriate landowners in regard to eventual purchase of the identified lands;
- 4) That the Advisory Committee on Transportation Issues under the chairmanship of Chief Administrative Officer undertake a fundamental review of Hamilton's one-way street system in the context of the long-term implications on the ambience and vitality of Hamilton's downtown neighbourhoods;
- 5) That the Region of Hamilton-Wentworth re-establish a two-way system of traffic flow for Cannon Street and Wilson Street and monitor the transition with a view to expanding the two-way system to other streets;
- 6) That Hamilton City Council direct all appropriate civic staff to place an increased emphasis on urban design criteria in the evaluation of all development proposals;
- 7) That the Planning and Development Department and the Department of Public Works and Traffic pursue the development of "urban open spaces" on public and/or private lands at the following locations within Beasley Neighbourhood:
 - i) Hughson Street and Murray Street, east of the CN Station;
 - ii) James Street North and York Blvd;
 - iii) King William Street and Mary Street; and,
 - iv) King William Street and Jarvis Street.





City of Hamilton

Plan Showing Lands Subject to
Site Plan Control
Application DA-95-34

Planning and Development Department

Legend



Site of the Application and
Location of Development

North



Scale
Not to Scale

Date
December 1995

Reference File No.
DA-95-34

Drawn By
C.M.

13

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 19
E205-05, C. A. Unelli

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: E. M. Gill, P. Eng.
Senior Director
Roads Department

SUBJECT: Final Lot Grading and Sodding Contract for Various
Subdivisions During 1996

RECOMMENDATION:

That the Purchasing Manager be authorized and directed to issue an Open Order to Oakridge Landscape Contractors Ltd., on behalf of the Treasury and Building Departments, based on prices received for Quotation C18-1-96, to provide final lot grading and sodding as and when required during 1996 in various subdivisions, being the lowest of three quotations received in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090.


E. M. Gill, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The City of Hamilton subdivision agreements require applicants to provide appropriate security to insure that all lot grading is completed in a satisfactory manner. In situations where deficiencies in the lot grading occur, the subdivider will be notified by the Regional Roads Department and/or the City Building Department that remedial work will be required to correct the deficiencies.

cont'd...

-page 2-
1996 February 19

**Final Lot Grading and Sodding Contract
for Various Subdivisions During 1996**

cont'd...

Failure by the subdivider to perform the remedial work will be considered a default of the City Subdivision Agreement whereby the Regional Roads Department and/or the City Building Department will utilize an outside contractor to complete the outstanding works. The costs of remedial work by an outside contractor are recoverable from the subdivider. Failure of the subdivider to pay for the costs of remedial work would result in the City recovering the costs from the subdivision security on hand.

The quotations received were based upon unit prices for Quotation C18-1-96 and were applied to a hypothetical grading scenario with the following results.

1.	Oakridge Landscape Contractors Ltd.	\$32,883.03
2.	Crescan Landscape Ltd.	\$33,414.07
3.	O. Ciccarelli & Sons Contracting Ltd.	\$35,342.31

Based upon the above results, we are recommending that an Open Order be issued to Oakridge Landscape Contractors Ltd., to provide final lot grading and sodding as and when required during 1996 in various subdivisions, being the lowest of three quotations received in accordance with specifications issued by the Purchasing Division of the Treasury Department and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090.

CAU

cc: Mr. A. Ross, Treasury Department
cc: Mr. L. C. King, Building Department
cc: Mr. B. Allick, Building Department

(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 February 22

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
120 Wilson Street - Tag Number 95914
(96.1.1.A)

RECOMMENDATION:

- (a) That the Building Commissioner be authorized to issue a demolition permit for 120 Wilson Street, once the owner obtains a building permit and has registered on title to the land an Agreement with the City, whereby the owner agrees to construct and substantially complete a new building on the site within two years from the day demolition of the existing residential building is commenced; and,
- (a) That failure to complete the new building within the time specified; the City shall collect the maximum sum of \$20,000. for the single family dwelling unit in a like manner as municipal taxes. The condition for redevelopment shall be registered on title in accordance with the provisions of the Planning Act; and,
- (c) That the owner's lawyer shall prepare and register the Agreement at the owner's expense in a form satisfactory to the City Solicitor, against the land.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: J/S-473 (Site Plan Control 79-275)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Medical Centre

BRIEF DESCRIPTION: Owner wishes to demolish the existing two storey double brick single family dwelling and build a new medical centre.

The owner has applied to demolish the existing building which is presently being used as single family dwelling. The subject building is located in the Central Area identified in the City Council Resolution passed on July 26, 1994 which states that appropriate conditions for Demolition Control under Section 33 of The Planning Act be applied. The owner of the building has applied for a building permit to replace the building which is to be demolished.

Under the demolition control provisions of The Planning Act, where a building permit has been issued, City Council can issue an unconditional demolition permit, refuse to issue a demolition permit, or issue a demolition permit on the condition that the new building be substantially completed on the site within a specific time frame (not less than two years). Such a condition can be registered against the title of the land to ensure the proposed building is, in fact, completed. It should be noted the owner can appeal the conditions imposed by City Council to the Ontario Municipal Board or at a later stage, appeal to Council and subsequently the OMB for relief from conditions that have been imposed on the basis the new building is not feasible on economic or other grounds.

Should Council refuse to issue a demolition permit, The Planning Act allows the owner to appeal Council's decision to the OMB.

No LACAC interest. Lot size 25' x 102.700'.

The owner of the property as per the demolition permit is:

Ritlyn Investments Ltd.
136 Wilson Street
Hamilton, Ontario L8R 1E2

ND/zr

C6)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 22

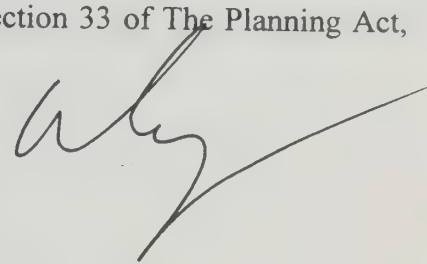
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
107 Graham Avenue North
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 107 Graham Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Map E-54)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Proposed Crown Point East Park

BRIEF DESCRIPTION: Owner wishes to demolish the one storey protected frame single family dwelling for the proposed Crown Point East Park. No LACAC interest. Lot size 25' x 100'.

The owner of the property as per the demolition permit is:

Corporation of the City of Hamilton

ND/zr

Cc)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 22

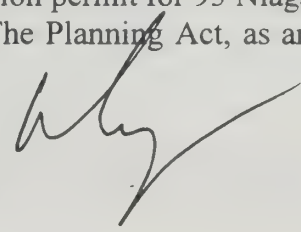
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
93 Niagara Street
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 93 Niagara Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K/S-727 (Map E-20)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Burlington Street Widening Project

BRIEF DESCRIPTION: To demolish an existing one storey insul brick single brick family dwelling with frame construction. Owner wishes to demolish for street widening project. No LACAC interest. Lot size 25' x 50.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

ND/zr

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 26

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

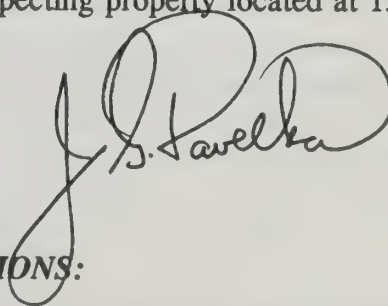
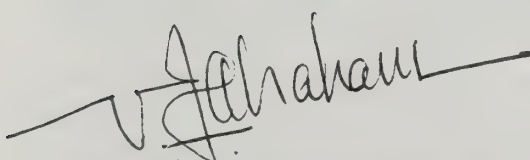
FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal
Board Hearing

RECOMMENDATION:

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearings regarding appeals to the following Committee of Adjustment decisions:
 - to deny application A-95-258 respecting property located at 550 Fennell Avenue East; and,
 - to deny application A-95-278 respecting property located at 1379 Upper James Street.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time each will be required, for one representative from the Planning Department (approximately \$250 per day = \$500) and one from the Law Department (ranging from approximately \$500 to \$1,000 per day = \$1,000 to \$2,000), for preparation and attendance at each of the Ontario Municipal Board hearings. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

The following Committee of Adjustment decisions have recently been appealed to the Ontario Municipal Board:

. **A-95-258 - 550 Fennell Avenue East**

At its meeting of December 13, 1995, the Committee accepted Planning staff's recommendation and denied this application to permit the replacement of 4 clock faces in the existing pylon sign with 4 business identification signs totalling 24.88m², thus increasing the total sign area to a maximum 62.04m² (15.51m² per side) from the current maximum permitted 37.16m² as established by Committee of Adjustment Decision A-90-326.

. **A-95-278 - 1379 Upper James Street**

At its meeting of January 3, 1996, the Committee accepted Planning staff's recommendation and denied this application to permit the area of the existing business identification sign to be increased from 11.89m² (128ft²) to 20.81m² (224ft²) notwithstanding that the bylaw permits a maximum area of 12.07m² (129.92ft²).

Dates for the above Board hearings have not been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearings.

ML

Ea)

CITY OF HAMILTON

- RECOMMENDATION - FEB 27 1996

DATE: 1996 February 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

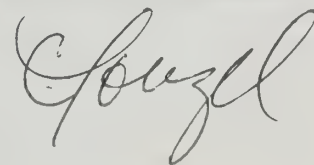
SUBJECT: Christ's Church Cathedral - Request for Technical
Consulting Service to Repair Stained Glass Window

RECOMMENDATION:

That the City, through the Department of Planning and Development, apply on behalf of Christ's Church Cathedral for the Technical Consulting Service offered by the Ontario Historical Society in co-operation with the Ministry of Citizenship, Culture and Recreation for the purpose of repairing the large stained-glass window on the east wall of the chancel.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no costs to the municipality.



BACKGROUND:

Christ's Church Cathedral is Designated as a building of architectural and/or historical interest under the Ontario Heritage Act, 1989.

The Local Architectural Conservation Advisory Committee at its meeting held 1996 February 26 was in receipt of a written request from the Chairman of the Board of Management, Cathedral Place, requesting an examination and report from the Technical Consulting Service for the purpose of repairing the large stained glass window on the east wall of the chancel at Christ's Church Cathedral.

The purpose of the Technical Consulting Service is to assist municipalities by making available limited professional advice on specific problems relating to the alteration or conservation of a designated structure, at no cost to the municipality. The Service provides a site visit by an Architect or other suitable consultant, who then prepares a brief report.

cc Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department

Eb)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 February 29

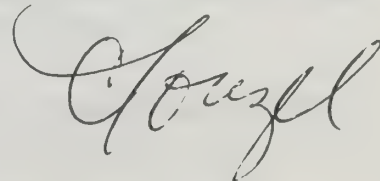
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: James Mountain Road Project - Restriction on Left
Turns into the Durand-Markland Heritage Conservation
District from James Street

RECOMMENDATION:

That City Council advise the Regional Transportation Services Committee that the Local Architectural Conservation Advisory Committee reiterates its approval of the Durand-Markland Heritage Conservation District Plan as prepared for the Corporation of the City of Hamilton by Unterman, McPhail, Cuming Associates and Wendy Shearer Landscape Architect Limited in 1994 November, including the restriction of left turns into the Heritage Conservation District from James Street to Markland Street.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1994 October 13 approved the Durand-Markland Heritage Conservation District Plan which was subsequently approved by the Planning and Development Committee on 1994 October 19.

When the Plan was forwarded to City Council at its 1994 October 25 meeting, the Plan was approved with the exception of the third paragraph of recommendation #13 which reads as follows, which was referred to the Transport and Environment Committee and Regional Council:

"The present restriction on left-turns into the Heritage Conservation District from James Street should be maintained in order to limit an increase in through traffic."

The Transport and Environment Committee at its meeting held 1994 December 4 tabled this item and directed the Commissioner of Transportation/Environmental Services to host a public meeting on this matter within the next three months and report back to the Committee.

On 1995 November 6, the Transport and Environment Committee received an Information Report dated 1995 October 27 from the Senior Director, Roads Department respecting the turn regulations at James Street South and Markland Street indicating that the Public Meetings were held and that when the Regional Transportation Review is ultimately adopted by Regional Council, it is the intent of staff to recommend to the Transportation Services Committee that the part time prohibition be extended to full time.

The Transportation Services Committee at its meeting held 1996 February 26 received an Information Report dated 1996 February 8 from the Senior Director, Roads Department, respecting the turn regulations from James Street South at Markland Street as well as four letters from concerned citizens in the neighbourhood requesting that the left turn restriction be maintained.

The Local Architectural Conservation Advisory Committee at its meeting held 1996 February 26 reiterated its support for the original Plan and recommended that its position on this matter be forwarded to the Transportation Services Committee so that its comments can be taken into consideration when the Regional Transportation Study is presented to the Transportation Services Committee in 1996 March.

cc Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department
Dale Turvey, Commissioner of Transportation/Environmental Services
Carolyn Biggs, Secretary, Transportation Services Committee, Regional Clerk's Department

Fa)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 28

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Item

RECOMMENDATION:

-1 Agnello

That the following Information Item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

Secretary, LACAC re: LACAC minutes of 1996 January 22 dated 1996 February 27th

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

Fb)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 February 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Rescheduling of 1996 April 24 meeting to 1996 April 17

RECOMMENDATION:

That the 1996 April 24 meeting of the Planning and Development Committee be rescheduled to 1996 April 17 at 9:30 a.m. in room 233, City Hall.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

T. Agnello

BACKGROUND:

As agreed upon by the Chairpersons of the Standing Committees this recommendation will make free one week of meetings in April since there are five Tuesdays in April and the City Council Meeting is to be on the fifth Tuesday. Therefore, the fourth week of the month commencing 1996 April 22 has been made clear of meetings and as such the Planning and Development meeting must be rescheduled to an earlier date.

URBAN/MUNICIPAL

CAY ON HBL AOS
CSIPY
1996



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 March 20
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

APR 1 1996

INTERIM DOCUMENTS

T. Agnello

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 95-33, by Jorge Rodriguez, owner, for a change and modification in zoning for lands located at 832 Upper Wentworth Street, on the following basis: Block "1" - from "AA" District to "C" District, modified; Block "2" - for a modification to the "C" District.
2. Zoning Application 96-02, by E.L. Richter, for a modification to the established "JJ" District regulations for lands located at 244 Lake Avenue North.

D

3. **DIRECTOR OF PLANNING AND DEVELOPMENT**

- (a) Proposed Draft Plan of Subdivision (SAC-94-03/Regional File 25T-94005(R)), by Urbex Engineering Ltd. on behalf of Sthermal Developments Inc., owner, for lands located south of Rymal Road East and west of the proposed extension of Upper Sherman Avenue, Chappel East Neighbourhood.
- (b) Billboards/Third Party Signs.
- (c) Site Plan Control Application DA-95-33, for 775 to 779 Upper Wentworth Street.(copy to follow)

4. **BUILDING COMMISSIONER**

216 Burlington Street East - Demolition under the Planning Act

5. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Custom House/Ontario Workers' Arts and Heritage Centre - Heritage Permit

6. **CONSENT AGENDA**

7. **PRIVATE AND CONFIDENTIAL AGENDA**

8. **OTHER BUSINESS**

9. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
3.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
5.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
6.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
7.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
8.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant

1996 March 13

1.

CITY OF HAMILTON
- RECOMMENDATION -

MAR 13 1996

DATE: 1996 March 11
ZAC-95-33
Bruleville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for rezoning and modification - 832 Upper
Wentworth Street

RECOMMENDATION:

a) That approval be given to Zoning Application ZAC - 95-33, Jorge Rodriguez, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, (Block "1") and for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "2"), to convert the existing single family dwelling to a medical office and a dwelling unit, for the property located at 832 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A" on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District - Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;

- iii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;
- iv) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, shown as Blocks "1" and "2", be modified to include the following variances as special requirements:
 - 1) That notwithstanding Section 9(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (a) a hearing aid dispensing office on the first floor of the existing building having a maximum gross floor area of 95 m² (1000 feet²);
 - (b) one dwelling unit in the basement of the existing building;
 - (c) an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
 - 2) That a minimum 3.0 m wide landscape planting strip, and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the westerly lot line of Block "2";
 - 3) That a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the northerly lot line of Blocks "1" and "2";
 - 4) That a minimum 3.0 m wide landscape planting strip shall be provided and maintained along the easterly lot line of Block "1" except for any area used for vehicular access;
 - 5) That notwithstanding Section 18A(1), of By-law No. 6593 not less than five (5) parking spaces shall be provided and maintained on the subject lands;
 - 6) Section 18A(14) of Zoning By-law No. 6593 shall not apply; and,
 - 7) Section 18A(26) of Zoning By-law No. 6593 shall not apply.
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-18 be notated S- ;

- vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to Council; and,
 - vii) That the proposed changes and modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- b) That Site Plan Control By-law No. 79-275, as amended, by By-law 87-233, be amended by adding the subject lands to Schedule "A".

EXPLANATORY NOTE:

The purpose of the by-law is to provide for the following changes in zoning for property at No. 832 Upper Wentworth Street, as shown on the attached map:

Block "1" - Change from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified, and,

Block "2" - Change from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified.

The effect of the by-law is to allow use of the subject lands for a hearing aid dispensing office only on the ground floor of the existing building, and one residential unit having a maximum gross floor area of 95 m² (1000 feet²) in the basement of the existing building.

In addition, the by-law provides for the following variances as special requirements:

- permits an unlighted name plate having an area of not more than 0.2 m² attached to and, as nearly as practicable, flush with the wall of the building;
- requires a minimum 3.0 m wide landscape planting strip and a visual barrier of not less than 1.2 m in height and not greater than 2.0m in height to be provided and maintained along the westerly lot line of Block "2";
- requires a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the northerly lot lines of Blocks "1" and "2";
- requires a minimum 3.0 m wide landscape planting strip to be provided and maintained along the easterly boundary of Block "1", except for any area used for vehicular access;
- permits not less than five (5) parking spaces to be provided and maintained whereas six (6) are required;
- permits parking in the required front yard; and,

- exempts the requirement that an access driveway be located a minimum of 3.0 m from a residential district.

In addition, the amending by-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, on the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District - Modified provisions as stipulated in the amending By-law once the condition is fulfilled.

V. Abraham
J. S. Pavlaka
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified (Block "1") and a modification to the "C" (Urban Protected Residential, etc.) District regulations (Block "2") to permit a medical office (hearing aid dispensing office) and one residential unit within the existing building. It should be noted that this application is the result of an outstanding Order to Comply. The subject lands are presently being used for the proposed uses.

- By-law No. 95-111 - 852 Upper Wentworth Street

City Council, on May 9, 1995, passed By-law No. 95-111 which rezoned the subject lands "C" - 'H' (Urban Protected Residential, etc. - Holding) District to permit general offices and kitchen cabinet showroom to a maximum of 95 m² (1000 feet²), and a dwelling unit on the second floor in the existing building. Further variances were granted for: an unlighted name plate with an area of not more than 0.2 m²; a minimum 3.0 m setback of the access driveway from a residential district; and, a minimum 3.0 m landscape planting strip and a visual barrier along the westerly boundary of the property.

- By-law No. 92-305 - 860 Upper Wentworth Street

City Council, on December 8, 1992, passed By-law No. 92-305 which rezoned lands to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified at 860 Upper Wentworth Street to permit a dental office of not more than 95.0 m² (1000 feet²) on the ground floor and one dwelling unit on the second floor of the existing building.

Further variances were approved for: an unlighted name plate; a 3.0 m landscape planting strip and visual barrier along the westerly lot line; a 1.5 m landscape planting strip and visual barrier along the southerly lot line; a 1.5 m landscape planting strip along the easterly lot line except for any area used as access; minimum of 4 parking spaces in the front yard; and, relief from the minimum 3.0 m setback of access driveways from a residential district.

- By-law No. 89-274 - 836 Upper Wentworth Street

City Council, on September 26, 1989, passed by-law No. 89-274, which permitted a medical office within the existing building at 836 Upper Wentworth Street. Further variances included: an unlighted name plate of not more than 0.2 m² attached to the wall of the building; a minimum 3.0 m landscape planting strip and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height along the westerly boundary of the property, amongst others.

APPLICANT:

Jorge Rodriguez, owner.

LOT SIZE AND AREA:

The subject lands have:

- a lot frontage of 18.288m (60 feet) on Upper Wentworth Street;
- a lot depth of 35.96m (117.97 feet); and,
- a lot area of 657.7m² (7079.65 feet²).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Medical office and residential unit	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	semi-detached dwelling	"D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District

to the east	seniors residence, church, and commercial	"E-2" (Multiple Dwellings) District, modified and "HH" (Restricted Community Shopping and Commercial) District, modified
to the south	single family dwelling	"C" (Urban Protected Residential, etc.) District, modified
to the west	single family dwellings and vacant land	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this Plan subject to the satisfaction of Council that the proposed office:
- i) Is situated on a major road;
 - ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;
 - iii) Will provide an acceptable amount of on-site parking; and,
 - iv) Will otherwise not detract from the character of the RESIDENTIAL area.
- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:

- i) Be required to be provided with adequate yards, off- street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
- ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial/Residential Conversion" in the approved Bruleville Neighbourhood Plan. A special policy permits professional offices of up to 1000 square feet. The proposal complies with the approved Neighbourhood Plan. In addition, the Neighbourhood Plan requires a minimum 3.0 m wide landscape planting strip across the westerly lot line of Block "2".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.
- The Building Department advises:
 - "1. A floor area of 89.81m² for medical office and one (1) dwelling unit requires a minimum of six (6) parking spaces.
 2. Part of the required parking and manoeuvring space (parking area) is located in the required 6.0m front yard.
 3. The manoeuvring area for the #4 parking space in the rear is insufficient.
 4. The access driveway is not located 3.0m from the common boundary from the residential district to the north.
 5. The access driveway does not provide a minimum 5.5m width.
 6. A 1.5m planting strip is required between the parking area and the adjoining residential district to the north and south.
 7. The boundary of the parking area must be at least 6.0m from the street line for a portion within 3.0m of the residential district to the north and be landscaped with a planting strip.
 8. A visual barrier is required between the parking area and the residential district.

9. A business identification ground sign is not permitted.
10. The proposed sign is located in the required landscaped area."

• The Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

Transportation's Comments

We have reviewed the above application and submit the following comments:

- (1) The Region has previously acquired the required road allowance widenings on Upper Wentworth Street by Instrument No. 146409 CD and shown as Part 5 on Reference Plan 62R-5049. Therefore we do not anticipate any further road allowance widenings at this time.
- (2) According to our records, the City has previously acquired Parts 3 and 4 on Reference Plan 62R-11054 for the establishment and construction of Fieldway Drive. The survey plan submitted by the applicant/owner does not exclude these lands now established as Fieldway Drive. Part 4 of Reference Plan 62R-11054 is a 1 foot reserve which must be lifted prior to any development fronting Fieldway Drive. This would require the payment of all outstanding costs to the City/Region for the acquisition and construction of Fieldway Drive and related services.
- (3) We recommend that the subject lands be developed through site plan control at which time we will provide further comments on lot grading, landscaping, motorist visibility with the accesses, etc.
- (4) It is unclear whether there is sufficient lands retained at the rear of the property for a residential depth lot fronting on Fieldway Drive and this should be reviewed. Further the plan seems to indicate that a two lot residential severance is proposed to the rear of the subject lands which appears contrary to the existing By-law requirements.
- (5) Any works which may occur within the adjacent road allowances must conform to the respective Streets By-laws."

• The Traffic Department advises:

"The submitted plan indicates that six parking spaces are to be provided for the proposed medical office and one residential unit. Six spaces will satisfy the minimum requirements of the Zoning By-law, however, for the benefit of the applicant, it should be noted that the five parking spaces provided for the medical office may not be sufficient to support the proposed use.

With reference to the parking layout, we recommend that the parking area in the front yard be located further from the front of the building to provide adequate visibility for

vehicles backing out of parking space number five into the access driveway.

Should the proposed change in zoning be approved, we recommend that the development be subject to site plan control."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Bruleville Neighbourhood Plan.
2. The proposal has merit and can be supported on the following basis:
 - it is consistent with Policy A.2.1.5 of the Official Plan with respect to locating medical offices within lands designated **Residential**;
 - it implements the intent of the approved Bruleville Neighbourhood Plan which permits the conversion of existing dwellings to professional offices having a gross floor area of less than 1000 square feet;
 - it is suitably located on the periphery of the Bruleville Neighbourhood on a busy arterial road (Upper Wentworth Street), and across the road from highway commercial uses; and,
 - it would be compatible with existing and future development contemplated in this area.
3. Based on a preliminary concept plan, approval of the application would require the following variances:

- **Parking**

The applicant submitted a concept plan (see APPENDIX "B" attached) which showed six required parking spaces and a 4.5 m access driveway, but without adequate manoeuvring space in the rear and necessitates the removal of a healthy tree in the rear yard.

An alternate concept plan was developed (see APPENDIX "C" attached) which reduced the number of parking spaces to five and maintained the tree in the rear yard and provided additional manoeuvring space in the rear.

Given the proximity of the subject lands adjacent to existing/planned low density residential uses to the north, and the presence of a substantial tree in the rear yard, a reduction in the number of parking spaces by one is considered minor and can be supported from a planning perspective. In addition, the proposed by-law will reflect the intended use (ie. medical office [hearing aid dispensing office]) which is considered a lower traffic generator than general medical offices and limit the size to a maximum of 95.0 m² (1000 square feet).

• **Buffering and Screening**

1. In keeping with the design requirements of the approved Bruleville Neighbourhood Plan, a minimum 3.0 m wide landscape planting strip and a visual barrier of not less than 1.2 m and not more than 2.0 m in height should be provided along the westerly lot line adjacent to future low density residential development.
2. Normally a 1.5 m landscape planting strip is required where parking and access for commercial uses abuts residential uses. However, the owner of the adjacent residential property to the north has advised in writing that the landscape planting is not desired. On this basis, the variance for the 1.5 m landscape strip has been eliminated however, a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height should be provided and maintained along the northerly lot line of Blocks "1" and "2".

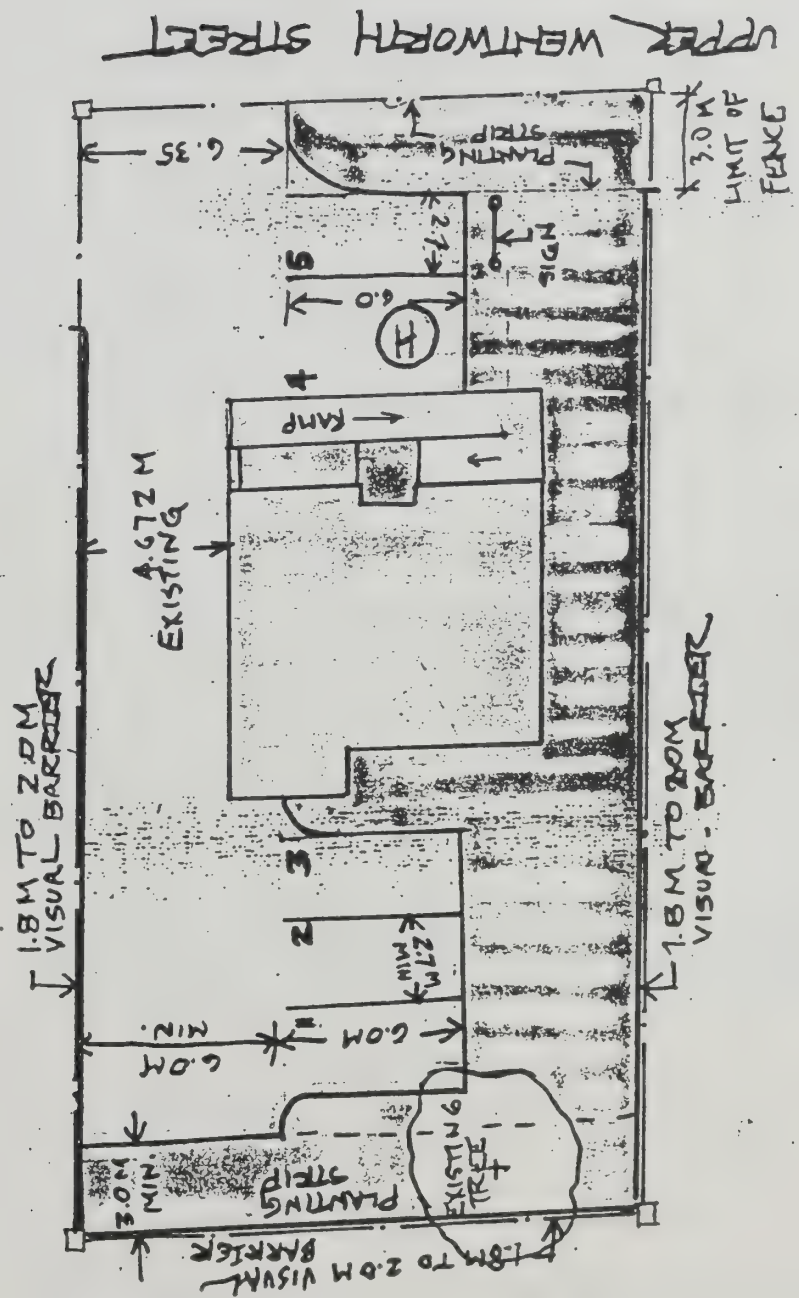
The Building Department noted that a variance would be required to permit parking in the required front yard. This can be supported based on two proposed parking spaces in the front yard and three in the rear yard.

The applicant's concept (see Appendix "B") showed six parking spaces total on-site which requires an access driveway of a minimum of 5.5 m wide. Since the parking spaces have been reduced to five, only a 2.8 m driveway is required (4.5 m is being provided). However, since the lot abuts a residential district to the south, Section 18A of the Zoning By-law (i.e., Parking and Loading Requirements) will require a 1.5 m minimum planting strip and 1.2 m to 2.0 m high visual barrier along the entire southerly boundary.

4. The subject lands are not subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233. Based on the comments from the Traffic and Roads Departments, it is appropriate to place the subject lands under Site Plan Control so that matters relating to parking layout, grading, landscaping, etc. can be reviewed.
5. The subject lands should be placed in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until such time as Site Plan Control Application has been submitted and approved. City Council may remove the 'H' symbol, and thereby give effect to the "C" District - Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

CONCLUSION:

Based on the foregoing, the application can be supported.



APPENDIX "C"

CONCEPT PLAN

*NOTE: - (+) APPRX. LOCATION OF EXISTING TREES.

CITY OF HAMILTON**- RECOMMENDATION -**

DATE: 1996 March 14
ZAR-96-02
Grayside Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a modification in zoning - No. 244 Lake Avenue North.

RECOMMENDATION:

- (a) That approval be given to Zoning Application 96-02, E.L. RICHTER, owner, for a modification to the established "JJ" (Restricted Light Industrial) District regulations, to permit use of the existing building and proposed addition for a warehouse, showroom and office space for a central mail order business and retail outlet for industrial and agricultural parts, equipment, accessories and related products, for lands located at No. 244 Lake Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
- 1) That notwithstanding Section 16A(1), a central mail order business with showroom and office and a retail outlet for industrial and agricultural parts, equipment, accessories and related products, shall be permitted;
 - 2) That Section 16A(3)(c) shall not apply; and,
 - 2) That a minimum 1.5 m high chain link fence shall be provided and maintained along the northerly 38.5 m of the easterly rear lot line;

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-113 be notated S- ;
 - iii) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council; and,
 - iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- b) That the amending By-law not be forwarded for passage by Council until such time as the applicant has fulfilled the following conditions:
- i) That the applicant finalize the required Commercial Boulevard Leasing Agreement, to permit the existing parking within a portion of the Barton Street road allowance, to the satisfaction of the Director of Public Works and Traffic;

AND

- ii) That the applicant shall remove all pavement from the approximately 12 m (40 ft.) of City owned lands, immediately east of the subject lands, and that no fill material, or other debris, be deposited over the top of the ravine, to the satisfaction of the Director of Property; and,
- iii) That prior to removal of the pavement, the applicant submit a plan to provide for revegetation of the disturbed areas with natural plant material, satisfactory to the Director of Planning and Development, and that the revegetation plan be implemented, immediately following removal of the pavement, to the satisfaction of the Director of Property and the Director of Planning and Development.

OR

- iv) That the applicant enter into an agreement with the City of Hamilton, including securities if deemed necessary, to the satisfaction of the Director of Property, City Solicitor, and the Director of Planning and Development, to provide for removal of all pavement from the approximately 12 m (40 ft.) of City owned lands to the east of the subject lands; and that no fill material, or other debris, be deposited over the top of the ravine; and to provide for revegetation of the disturbed areas with natural plant material immediately following removal of the pavement.

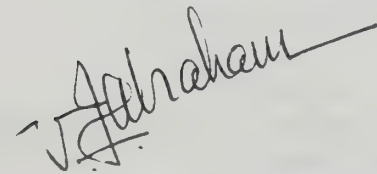
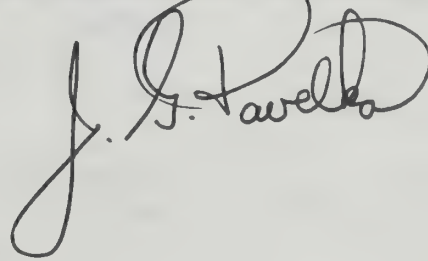
EXPLANATORY NOTE:

The purpose of the by-law is to provide for a modification to the established "JJ" (Restricted Light Industrial) District regulations, for lands located at No. 244 Lake Avenue North, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the use of the subject lands, including the existing building and a proposed addition, for a warehouse, showroom and office space for a central mail order business and retail outlet for industrial and agricultural parts, equipment, accessories and related products.

In addition, the by-law provides for the following variances as special requirements:

- requires a minimum 1.5 m high chain link fence to be provided and maintained along the northerly 38.5 m (126.3 ft.) of the rear easterly lot line of the subject lands; and,
- permits an easterly rear yard setback of 0.0 m, whereas the By-law requires a setback of 6.0 m (19.69 ft.).



FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The application is to establish a warehouse, showroom and office space for a central mail order business and retail outlet for industrial and agricultural parts, equipment, accessories and related products within the existing building at 244 Lake Avenue North and a proposed addition on the north and east sides. The existing building, previously used for an automobile dealership, is a two storey concrete block building with a ground floor area of 668.9 m² (7,200 sq. ft.). The addition would result in a total ground floor area of 1,189.15 m² (12,800.32 sq. ft.). It should be noted that the lands abutting the subject property to the east are owned by the City of Hamilton and contain a regionally significant natural area, the Stoney Creek ravine.

APPLICANT:

E.L. Richter, owner.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 110.61 m (362.89 ft.) of lot frontage on Lake Avenue;
- 37.15 m (121.87 ft.) of lot depth; and,
- 4,109.17 m² (44,232.18 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant industrial building	"JJ" (Restricted Light Industrial) District
<u>Surrounding Lands</u>		
To the north	commercial	"JJ" (Restricted Light Industrial) District
To the south	open space	"A" (Conservation, Open Space, Park and Recreation) District
To the east	open space	"A" (Conservation, Open Space, Park and Recreation) District
To the west	commercial and vacant land	"JJ" (Restricted Light Industrial) District

OFFICIAL PLAN:

The subject lands are designated INDUSTRIAL on Schedule "A" - Land Use Concept of the Official Plan, and are also within SPECIAL POLICY AREA 11 on Schedule B - Special Policy Areas, identifying the Light Industrial category. Within this designation, warehouses are primary permitted uses. As well, within INDUSTRIAL areas, business enterprises which are intended to directly serve industries are permitted. In this regard, the proposed use complies with the intent of the INDUSTRIAL designation.

In addition, the subject lands abut a HAZARD LANDS designation to the east (Stoney Creek ravine) and the Official Plan (policy A.3.1.2) requires the Conservation Authority to be consulted regarding precise delineation of Hazard Lands (eg. "flood-line" and "fill-line" mapping). Furthermore, no portion of a building or structure will encroach into a setback from a stream, natural watercourse or pond, or from valley "fill lines" or "top-of-bank" lines.

Based on the foregoing, the proposal complies with the intent of the Official Plan, provided the addition maintains the minimum setback from the top-of-bank, in accordance with Conservation Authority requirements.

NEIGHBOURHOOD PLAN:

There is no approved plan for the Grayside Neighbourhood.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. A warehouse is a permitted use.
 2. A central mail order business with showroom and office is considered a commercial use and is not permitted.
 3. A retail outlet for industrial and agricultural parts, equipment accessories and related products is considered a commercial use and is not permitted.
 4. Only an ancillary commercial use that is incidental to a permitted principle use is allowed, provided that the floor space does not exceed 15% of the total floor area.
 5. Lake Avenue has been established as the front yard.
 6. The proposed addition, indicated on the plan, must be at least 6.0 m (19.69') from the front lot line and 6.0 m (19.69') from the easterly rear lot line which adjoins an "A" zoning district.
 7. The parking and loading requirements must conform to Section 18A of Zoning By-law 6593.
 8. All signs must comply to Section 16A(1)(f) of Zoning By-law 6593."

- The Department of Public Works and Traffic has advised that:

"Our review of the plan submitted with the application indicated that applicant owns approximately 6.0 m of property east of the existing building. A site inspection of the subject property and discussions with the applicant have determined that approximately 12 m of City owned land east of the subject property have been paved and used for parking and manoeuvring. The applicant should be advised to contact Mr. Robert Hayes of the Real Estate Division of the Property Department at 546-4609 to clarify the future use of these lands.

In addition, the plan indicates that a significant amount of the road allowance of Barton Street has been paved and used for parking. In order to permit parking within the road allowance a Commercial Boulevard Leasing Agreement is required. The applicant should be advised to contact Mr. Chris Van Berkel, Legislative Co-ordinator of the Traffic Division of the Public Works and Traffic Department at 546-2068 to clarify the future use of these lands."

- The Hamilton Region Conservation Authority has advised that:

"...We note that the paved area on the east side of the existing building extends beyond the property line onto City of Hamilton lands along the edge of the ravine. Conservation Authority staff are concerned about the potential impact of future activities on the ravine. The existing parking lot configuration provides un-obstructed access for illegal dumping onto the ravine slope.

Through discussions with City staff we understand that any pavement located on public lands will be removed, as a condition of zoning approval. Conservation Authority staff support this condition and request that additional measures be taken to protect the ravine slope both during and after pavement removal. In this regard, we recommend:

1. that all pavement be removed from the site and that no fill material, or other debris, be deposited over the top of the ravine;
2. that all disturbed areas be revegetated with native plant material immediately following the removal of pavement; and,
3. that a continuous 1.5 metre high chain-link fence be erected along the property line to prevent accidental dumping or encroachment into the ravine."

- The Regional Roads Department has advised that:

"(1) The designated road allowance width of Barton Street is 36.58 m and Lake Avenue is 26.21 m with 12.19 m daylight triangles at this intersection. According

to our records we have previously acquired all the required road widenings adjacent to the subject lands.

- (2) We have reviewed this application on the basis that there will be no direct access to these lands from Barton Street and that access to Lake Avenue will be provided to the satisfaction of the City of Hamilton Department of Public Works and Traffic.
- (3) We understand that the applicant/owner has paved and is parking within the Barton Street road allowance, as widened. This boulevard parking and paving requires appropriate agreements with the Region and we recommend that these agreements be made a condition of development approval.
- (4) Any other works which may occur within the adjacent road allowances, as widened, must conform to the respective Streets By-laws."
- The Real Estate Division, Property Department has advised that:

"Please be advised that the Department of Public Works and Traffic have ascertained that approximately 12 meters of City owned land east of the property at 244 Lake Avenue North has been paved and used for parking and manoeuvring of vehicles.

This department would suggest that as a condition of rezoning, the applicant should be required to remove the asphalt and restore the City lands to their normal state."

COMMENTS:

1. The proposal complies with the intent of the Official Plan which designates the subject lands INDUSTRIAL. Furthermore, since the Conservation Authority is satisfied that there will be no encroachment into the minimum setback from the adjacent ravine, the proposal does not conflict with the Hazard Lands policies as contained in the Official Plan.
2. The proposal has merit and can be supported, on the following basis:
 - It complies with the intent of the Official Plan.
 - The proposed outlet for industrial and agricultural parts, equipment, accessories and related products is no less feasible than other commercial uses permitted in the "JJ" (Restricted Light Industrial) District (eg. builders' supply yard, autobody shop, etc.). Furthermore, the proposed use is likely to cater more to the local industrial district and outlying agricultural areas than the general public.

- The proposed use would be compatible with established industrial and commercial development in the area and appropriate measures can be taken to protect the adjacent environmentally significant area.
 - The subject lands are appropriately located at the periphery of an industrial district, on a regional arterial road.
3. The application would require a variance to allow a 0.0 m easterly rear yard setback for the proposed addition. It is noted that no rear yard setback is required in a "JJ" (Restricted Light Industrial) District, unless the subject lands abut a residential district, in which case the Zoning By-law requires a setback of 6.0 m (19.69 ft.). The adjacent lands are zoned "A" (Conservation, Open Space, Park and Recreation) District, which is defined as a residential district. The intent of the Zoning By-law is to protect residential uses which abut industrial zones. However, the subject lands do not abut a residential use. Furthermore, the addition would not encroach into the setback from the adjacent ravine, and would reduce the potential for accidental encroachment or dumping into the ravine by eliminating vehicular access on the east side of the building. In this regard, the variance can be supported.
 4. As stated by the Department of Public Works and Traffic and Regional Roads Department in their comments, a portion of the Barton Street road allowance has been paved and is being utilized for parking in connection with the use at 244 Lake Avenue North. Accordingly, the required Commercial Boulevard Leasing Agreement should be imposed as a condition of rezoning.
 5. The Regional Planning Department has indicated that the adjacent Stoney Creek ravine is a Regionally designated Environmentally Significant Area (ESA). Regional policy states that proposed land use changes adjacent to ESAs will be referred to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) for review. However, since the subject lands are already developed, the Region has stated that ESAIEG approval is not required.
 6. It has also been determined, as a review of this application, that a portion of the City owned lands, to the east of the subject lands, have been paved for parking purposes in conjunction with 244 Lake Avenue North. In addition to being designated as a Regional Environmentally Significant Area, these lands are: located immediately adjacent to the top-of-bank; designated OPEN SPACE in the City's Official Plan; and, zoned "A" (Conservation, Open Space, Park and Recreation). In this regard, the Property Department has requested that the pavement be removed from the City owned lands, as a condition of rezoning. The Conservation Authority supports this action and recommends a number of actions to protect the ravine. Consequently, the following additional conditions of approval should be imposed, or ensured through an agreement with the City:


1. That the applicant shall remove all pavement from the approximately 12 m (40 ft.) of City owned lands, immediately east of the subject lands, and that no fill material, or other debris, be deposited over the top of the ravine, to the satisfaction of the Director of Property; and,
2. That prior to removal of the pavement, the applicant submit a plan to provide for revegetation of the disturbed areas with natural plant material, satisfactory to the Director of Planning and Development, and that the revegetation plan be implemented, immediately following removal of the pavement, to the satisfaction of the Director of Property and the Director of Planning and Development.

In addition, to protect the ravine from accidental encroachment or dumping, the requirement for a 1.5 m high chain link fence along the easterly lot line is recommended. However, since the proposed addition will be located adjacent to the east property line, it is reasonable to require the fence only for that portion of the lot line north of the building and proposed addition. This requirement should be included in the amending by-law as a special provision.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



APPENDIX A

CITY OF HAMILTON MAR 13 1996

3a)

- RECOMMENDATION -

DATE: 1996 March 11
SAC-94-03
Chappel East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision
(SAC-94-03/Regional File 25T-94005(R))

SECOND REPORT

RECOMMENDATION:

- (a) That approval be given to amended Subdivision Application 94-03 (Regional File No. 25T-94005(R)), by Urbex Engineering Ltd., on behalf of Shermal Developments Inc., owner, for approval of a draft plan of subdivision - "Shermal Estates", on lands located south of Rymal Road East and west of the proposed extension of Upper Sherman Avenue, in the Chappel East Neighbourhood, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and certified by J.P. Woolley, O.L.S., dated August 10, 1995, showing 159 lots for single family dwellings, a townhouse block, a block for future commercial uses and 3 blocks to be developed with lands to the east for single family dwellings, 9 blocks for 0.30 m reserves and 5 local streets and the extension of Upper Sherman Avenue, as shown on APPENDIX "C".
 - (ii) That no portion of the subject lands be developed until such time that storm and sanitary sewer outlets are available to service these lands directly.

- (iii) That the owner satisfy all engineering and financial requirements of the City of Hamilton prior to the development of any portion of the subject lands.
- (iv) That the streets be established to their full width by certificate on the final plan and that Blocks 166, 167, 168, 169, 170, 171, 172, 173 and 174, being 0.30 metre reserves, be transferred to the City of Hamilton.
- (v) That 2m X 2m day-lite triangles be established on all L-shaped streets on the Final Plan.
- (vi) That the centreline of the extension of the road allowance for Upper Sherman Avenue south of Rymal Road East align with the centreline of the original road allowance of Upper Sherman Avenue north of Rymal Road East.
- (vii) That the first phase of development must include the construction of Upper Sherman Avenue from Rymal Road East southerly to the satisfaction of the Commissioner of Transportation/Environmental Services.
- (viii) That the alignment of the extension of Upper Sherman Avenue meet all standards and requirements of the Regional Roads Department, Ontario Hydro, TransCanada Pipeline and the Township of Glanbrook.
- (ix) That the owner provide the City of Hamilton with written confirmation from Ontario Hydro and TransCanada Pipelines that the extension of Upper Sherman Avenue, southerly through the Hydro Corridor will not require the relocation of the Hydro Towers or any related gas pipeline facility.
- (x) That the Owner provide written confirmation from Ontario Hydro that the proposed extension of Upper Sherman Avenue conforms to all of Ontario Hydro's requirements with respect to road set backs from the existing Hydro Towers, etc., and that the alignment of the Upper Sherman Avenue extension through the Hydro Corridor into the Township of Glanbrook is to the satisfaction of Ontario Hydro.
- (xi) That the owner provide a temporary turning circle at the southern limit of Upper Sherman Avenue within the limits of this plan of subdivision, or secure the necessary lands to the south so as to provide a temporary turning circle outside the plan of subdivision to the satisfaction of the Commissioner of Transportation/Environmental Services.

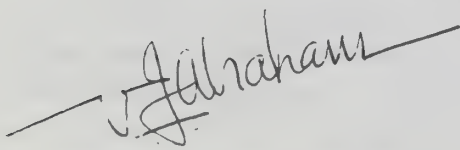
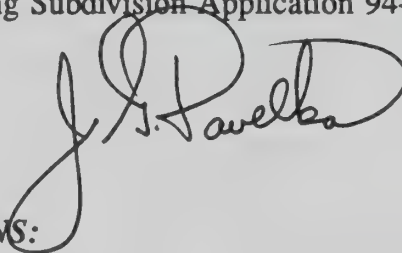
- (xii) That the owner, in the case where the temporary turning circle at the southern limit of Upper Sherman Avenue cannot be accommodated within the road allowance, and lots are affected by the creation of the temporary turning circle, agree to declare the affected lots unsuitable for building until such time as required by the Commissioner of Transportation/Environmental Services or the temporary turning circle is no longer required and Upper Sherman Avenue is extended southerly.
- (xiii) That the Owner dedicate Block 165 for the widening of Rymal Road East to the Region of Hamilton-Wentworth prior to registration of the Final Plan.
- (xiv) That the owner dedicate to the Region of Hamilton-Wentworth a 0.30 metre reserve, shown as Block 166 along Rymal Road East. This reserve can be lifted after the owner has applied for and received site plan approval for the development of Block 161 for commercial uses.
- (xv) That the owner dedicate to the Region of Hamilton-Wentworth a 0.30 metre reserve, shown as Block 167 along Upper Sherman Avenue and Street "A". This reserve can be lifted after the owner has applied for and received site plan approval for the development of Block 160 for residential uses.
- (xvi) That Street "A" be established and constructed to its full width prior to the development of Lots 63 to 70 inclusive.
- (xvii) That Street "A" be established to its full width from Upper Sherman Avenue to the west limits of Street "B" prior to the development of all lots fronting on Street "B", Street "D", Court "G" and the east-west portion of Street "C" between Street "B" and the south-easterly limits of Street "E".
- (xviii) That the frontages outside the "day-lite triangles" for Lots 9 and 92 adjacent to the extension of Upper Sherman Avenue be a minimum of 3.5 metres in width and that the accesses to these lots must be located outside the daylight triangles at this intersection.
- (xix) That, on a temporary basis, the maximum number of residential units proposed on this and/or any abutting development plan, to be serviced by a single road access (eg dead end street), will not exceed 100 units.
- (xx) That Lots 32, 33, 34 and 35 not be registered until such time the Commissioner of Transportation/Environmental Services has advised the Director of Planning as to the need to extend Street "E" to provide access to the adjacent lands to the west owned by Ontario Hydro.

- (xxi) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:
 - (1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures, including remedial measures taken, after each rainfall to the satisfaction of the Senior Director, Roads Department;
 - (3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.
- (xxii) That the final plan conform with the applicable provisions of the "RT-20" (Townhouse - Maisonette) District (Block 160), "C" (Urban Protected Residential, etc.) District (Lots 1-9, 15-20, 30-56, 80-92, 99-107, and 123-137 inclusive), and "R-4" (Small Lot Single - Family Dwelling) District (Lots 10-14, 21-29, 57-79, 93-98, 108-122 and 138-159 inclusive) in the City of Hamilton Zoning By-law No. 6593.
- (xxiii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan.
- (xxiv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act.
- (xxv) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton.
- (xxvi) That the streets be named to the satisfaction of the City of Hamilton.

- (xxvii) That the streets be dedicated to the City of Hamilton as public highways in the final plan.
 - (xxviii) That the owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.
 - (xxix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (xxx) That Blocks 162, 163 and 164, on the red-line revised plan, must be developed in conjunction with adjacent lands.
 - (xxxi) That the Owner be required to retain the services of a Professional Engineer to conduct an Environmental Assessment Study for the implementation of the extension of Upper Sherman Avenue, south of Rymal Road East in order to provide access to the lands of Shermal Estates, and that said study address the following:
 - (1) The interim and ultimate width of the travelled portion of Upper Sherman Avenue and the extent of lands required for road right-of-way purposes;
 - (2) The interim and ultimate width of the travelled portion of the intersection of Rymal Road East and the extension of Upper Sherman Avenue and the extent of lands required for road right-of-way purposes;
 - (3) The interim and ultimate size of day-lighting triangles for road right-of-way purposes at the intersection of Rymal Road East and the southerly extension of Upper Sherman Avenue; and,
 - (4) Any other requirements deemed necessary by the Commissioner of Transportation/Environmental Services.
 - (xxxii) That the owner implement the recommendations of the Environmental Assessment Study to the satisfaction of the Commissioner of Transportation/Environmental Services.
 - (xxxiii) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands.
 - (xxxiv) That the owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this

application (25T-94005(R)), Shermal Developments Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

- (c) That the Chappel East Neighbourhood Plan be amended to change the internal road pattern and the realignment of Upper Sherman Avenue between Rymal Road East and the City limits upon finalization of the implementing By-law; and,
- (d) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision regarding Subdivision Application 94-03.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Zoning Application 94-22:

Planning and Development Committee, at its meeting of November 22, 1995, approved Zoning Application 94-22 for the subject lands. The rezoning application was approved subject to the condition that the implementing Zoning By-law not be presented to Council until such time as Council has considered the subdivision application. Consideration of the subdivision application was tabled at the request of the applicant to clarify technical issues that did not effect land use or lotting.

Zoning Application 94-22 was for a change in zoning of the subject lands located south Rymal Road East and west of the proposed extension of Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- | | |
|-------------------------|---|
| Block "1" | - From "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; |
| Blocks "2", "3" and "4" | - From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and, |
| Block "5" | - From "AA" (Agricultural) District to "R-4" (Small Lot Single - Family Dwelling) District. |

Applicant:

Shermal Developments Inc., owner.

Agent:

A.J. Cameracci, P.Eng., Urbex Engineering Limited.

Surveyor:

J. P. Woolley, O.L.S., Urbex Engineering Limited, Hamilton.

Location:

The lands are located at the south-west corner of Upper Sherman Avenue and Rymal Road East, in the Chappel East Neighbourhood, City of Hamilton.

Lot Size and Area:

The subject property has an irregular configuration and has:

- a width of 33.223 metres (109 feet);
- a depth of approximately 567.354 metres (1,861.4 feet); and,
- a lot area of approximately 12.02 hectares (29.7 acres).

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural)" District
<u>Surrounding Land Use</u>		
to the north	Single Detached Dwellings, gas station, metal recycling operation and vacant lands	"C" (Urban Protected Residential, etc.) District
to the south	Agricultural Lands (Located in the Township of Glanbrook)	Agricultural

to the east	Vacant	"AA" (Agricultural) District
to the west	Vacant	"AA" (Agricultural) District

SUBDIVISION PROPOSAL:

The owner has applied to subdivide the subject lands into 159 lots for single family dwellings, a townhouse block, a block for future commercial uses and a block to be developed with lands to the west for single family dwellings (see attached APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are within the "Urban Policy Areas" and identified as "Proposed Development, Residential and Related Uses". The proposal does not conflict with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The following policies, amongst others, should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.1 In the development of new RESIDENTIAL areas, and as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v) Encourage new Residential development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

As the proposal provides for a mix of housing types in a compatible arrangement of uses with adequate off-street parking, the proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The lands are designated "Single & Double Residential", "Attached Housing" and "Commercial" in the approved Chappel East Neighbourhood Plan. However, a neighbourhood plan amendment is required since the proposal includes minor changes to the internal road pattern.

Zoning:

The lands are zoned "AA" (Agricultural)" District. As previously noted, Planning and Development Committee has approved in principle the rezoning of the subject lands. However, the By-law will not be presented to Council for adoption until such time as Council has considered the subdivision application. The proposed changes in zoning are shown on APPENDIX "A".

COMMENTS RECEIVED:

- The following agencies have no comment or objection:
 - the Building Department
 - the Hamilton Region Conservation Authority

- The Traffic Division has advised:

"We recommend that the lot lines of lots 17, 18 and 19 be modified, as shown in red on the attached plan. The lot lines have been modified to minimize the potential of driveways overlapping within the road allowance.

We recommend that prior to development of the subject lands, the extension of Upper Sherman Avenue between Rymal Road East and the southerly limits of the property be established and constructed at its full width. The extension of Upper Sherman Avenue will be the only access servicing the proposed development and is proposed as the arterial connection between Rymal Road East and Twenty Road in both the City of Hamilton and the Regional Official Plan.

In addition, we recommend that Street A, between Upper Sherman Avenue and Street B, be established at its full width in order to provide two points of access to Upper Sherman Avenue from the internal streets in the subdivision. Development of lots 79 to 86 (shown as Lots 63 to 70 on the red-line revised plan) should also be conditional on providing Street A to its full width adjacent to these lots."

- In response to the rezoning application, the Roads Department has advised:

"These lands must await sewers and watermain from the east which at present are east of Miles Road. Alternatively, the owner may extend the services at his expense to bring the sewers to his site.

In conjunction with this application (ie ZAC-94-22), the applicant has also submitted Shermal Estates draft plan of subdivision for our review and comments. We have attached a copy of our comments on the draft plan submission. As noted in the draft plan comments, there are many revisions to the road network required and we advise that the zoning boundaries must reflect the revised roadway pattern of the subdivision, which has not been finalized to date.

The designated road allowance width of this section of Rymal Road East is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 18.29m from the centreline of the original Rymal Road allowance.

We have reviewed this application on the basis of the minimum width of single family lots on the extension of Upper Sherman Avenue has been increased to 12.0m.

We recommend that the subject lands be developed through a satisfactory plan of subdivision."

The Roads Department further advised that:

"In addition to our comments dated February 15, 1995 with respect to the servicing alternative, the owner may extend the services at his expense to bring the sewers and watermain to his site."

In response to the revised subdivision plan, the Roads Department has advised:

"INFORMATION:

1. Municipal storm and sanitary sewers are unavailable to service any portion of this development directly at this time.
2. There is an existing watermain on Rymal Road East of sufficient size and capacity to service this development.
3. There will be a Regional share for the installation of services for an oversized watermain within the limits of this development. An estimate is not available at this time for the Region's share of the oversizing component of the watermain.
4. The Hamilton Street and Railway have advised that: "the north-south section of street "C" and court "F" are aligned such that they direct pedestrians away from where transit service exists on Upper Sherman Avenue.
5. Canada Post have advised our office that they require community mailbox locations for this proposal. Our office will be writing to Canada Post to advise that a Super Mailbox Location on the extension of Upper Sherman Avenue is not recommended by the Roads Department since the volume of traffic will be substantial at some point in the future when Upper Sherman Avenue is extended into the Township of Glanbrook and therefore recommend relocation of the proposed Super Mail from Upper Sherman Avenue.

RECOMMENDATIONS:

1. That no portion of the subject lands be allowed to be developed until such time that storm and sanitary sewer outlets are available to service these lands directly.

2. The owner must satisfy all engineering and financial requirements of the Regional Municipality of Hamilton-Wentworth prior to the development of any portion of the subject lands.
3. The owner must satisfy all engineering and financial requirements of the City of Hamilton prior to the development of any portion of the subject lands.
4. That the streets be established to their full width by certificate on the final plan and that any dead end and unopened road allowances be terminated by .30 metre reserves to be transferred to the City of Hamilton.
5. That 2m X 2m day-lite triangles be established on all L-shaped streets on the Final Plan.
6. That the centreline of the extension of the road allowance for Upper Sherman Avenue south of Rymal Road East align with the centreline of the original road allowance of Upper Sherman Avenue north of Rymal Road East.
7. That the extension of Upper Sherman Avenue south of Rymal Road East be established and constructed as a 30.0 metre road allowance. Since Upper Sherman Avenue is the only street access to this entire subdivision from the external road network, we require that Upper Sherman Avenue from Rymal Road East to the south limits of the subdivision be constructed to a minimum four lane cross section. Further, the first phase of development south of Rymal Road East must include a street loop system of Streets "A", "B" and "C" and Upper Sherman Avenue for service vehicles, Transit Facilities, school buses etc. Should additional street access be provided to this subdivision during the first phase of the draft plan, the requirements for a full four lane cross section on Upper Sherman Avenue can be reviewed with the City of Hamilton Traffic Department and our staff.
8. That the alignment of the extension of Upper Sherman Avenue meet all standards and requirements of the Regional Roads Department, Ontario Hydro, TransCanada Pipeline and the Township of Glanbrook. Our Department will also require written confirmation from the applicant/owner that the extension of Upper Sherman Avenue, southerly through the Hydro Corridor will not require the relocation of the (Hydro) Towers or any related gas pipeline facility. In addition, the Roads Department requires written confirmation from Ontario Hydro that the proposed extension of Upper Sherman Ave. conforms to all their requirements with respect to road set backs from the Hydro Towers etc. and that the alignment of the Upper Sherman Avenue extension through the Hydro Corridor into the Township of Glanbrook is to their satisfaction.
9. That the owner dedicate the required road widening to the Region for Rymal Road East on the Final Plan.

10. The Roads Department restrict the number of commercial accesses to Rymal Road East and the number of driveway accesses for residential purposes along the extension of Upper Sherman Avenue.
11. That Street "A" be established and constructed to its full width prior to the development of Lots 162 to 168 inclusive (shown as Lots 63 to 70 inclusive on the red-line revised plan).
12. That Street "A" be established to its full width from Upper Sherman Avenue to the west limits of Street "B" prior to the development of all lots fronting on Street "B", Court "F" and the east-west portion of Street "C" between Street "B" and Upper Sherman Avenue.
13. That a 12.0 x 12.0 metre day-lite triangle be established on the south-east and south-west corners of the intersection of Upper Sherman Avenue and Rymal Road East.
14. That the frontages outside the "day-lite triangles" for Lots 9 and 120 (shown as Lots 9 and 92 on the red-line revised plan) adjacent to the extension of Upper Sherman Avenue be a minimum of 3.5 metres in width and that the accesses to these lots must be located outside the daylight triangles at this intersection. Notation to this effect may be required in the actual subdivision agreements.
15. The centreline radius of Street "A" must be a minimum of 110 metres.

The submitted plan as prepared by J.P Woolley, O.L.S. and dated July 21, 1994, (and subsequently revised and dated August 10, 1995) is satisfactory to the Transportation/Environmental Services Group, Roads Department, subject to the above-noted comments and recommendations."

It is noted that the revised draft plan submitted by the applicant reconfigured Street "A". As such, the recommendation that the centreline radius of Street "A" must be a minimum of 110 m is no longer required. The Roads Department further advised:

INFORMATION:

1. Our Office has received information from Ontario Hydro that they will not be developing lands west of the Cul-de-sac, Street "A" as a transformer facility. It would appear that Ontario Hydro is prepared to place a portion of this property on the open market for disposal at some point in time in the future.

Our office requests at this time that a Block of land be set aside in the proposed plan for Shermal Estates in order to accommodate an extension to proposed Street "E".

RECOMMENDATIONS:

1. That a Crescent at the south limit of this subdivision be allowed to develop as a phase of development, provided that no more than 50 lots be allowed to be registered.
2. That the owner provide a minimum of two points of access in connection with any phase of development.

One access through the establishment of Upper Sherman Avenue from Rymal Road East to its ultimate road allowance width. Upper Sherman Avenue may be constructed to a two lane configuration to the satisfaction of the Commissioner of Transportation/Environmental Services.

The other access point, from the east, (is to be) from Miles Road. The access from Miles Road must be via the southerly mid-block collector. This street pattern eliminates the creation of long "cul-de-sacs" west of Upper Sherman Avenue.

If phasing is restrictive to the northern portion of the draft plan, then the second access is required from the west."

The Roads Department has further advised:

"RECOMMENDATIONS:

1. That the Owner be required to retain the services of a Professional Engineer to conduct an Environmental Assessment Study for the implementation of the extension of Upper Sherman Avenue, south of Rymal Road East in order to provide access to the lands of Sermal Estates and that the recommendations of the Study be implemented to the satisfaction of the Commissioner of Transportation/Environmental Services.

INFORMATION

The City of Hamilton will cost share a portion of the required study with the developer for an Environmental Assessment Study for the extension of Upper Sherman Avenue south of Rymal Road East. The City's portion of the study may include up to 100% of the study."

- The Township of Glanbrook has advised:

"The proposed draft plan illustrates the intended extension of Upper Sherman Avenue

southerly into the Township of Glanbrook. However, it is not likely that the extension of Upper Sherman Avenue into the Township of Glanbrook will be required. Therefore, Planning Staff recommend that Upper Sherman Avenue be designed to terminate in a cul-de-sac."

- TransCanada Pipelines has advised:

"This development will be within 200 metres of our pipeline. TransCanada has no objections to this rezoning subject to the following conditions:

- 1) Any grading that will affect the right-of-way or drainage onto it must first be approved in writing by TransCanada.
- 2) Should any blasting be required at the site, a report on the methods and charges to be used must be prepared at the owners sole cost and expense by a qualified blasting engineer and submitted for TransCanada's written prior to the commencement of blasting operations on the site.
- 3) TransCanada's District Office in Hannon (905-388-5171) must be given three business days advance notice before the commencement of construction on the site.
- 4) The owner must ensure that all contractor(s) and sub-contractors are fully aware of and observe the foregoing conditions."

- Ontario Hydro has advised:

"Further to your letter, with enclosures, please be advised that Ontario Hydro has approved the revised plans, which indicate the new alignment of Upper Sherman Avenue."

COMMENTS:

1. The proposal complies with the intent of the Official Plan of the City of Hamilton.
2. The proposal complies with the land use designations of the approved Chappel East Neighbourhood Plan. However, a neighbourhood plan amendment is required since the proposal includes minor changes to the internal road pattern. In addition, it should be noted that the proposal involves the realignment of Upper Sherman Avenue between Rymal Road East and the City limits. This is consistent with a separate proposal to develop the lands on the east side of Upper Sherman Avenue which is currently being reviewed by the Planning Department.

It should also be noted that on the originally submitted draft plan, the distribution of "C" lots (min. 40' frontage) and "R4" lots (min. 33' frontage) was undesirable. The revised

draft plan (red-line) has addressed this problem by adding more "C" lots fronting on Upper Sherman and by grouping them in a less indiscriminate manner.

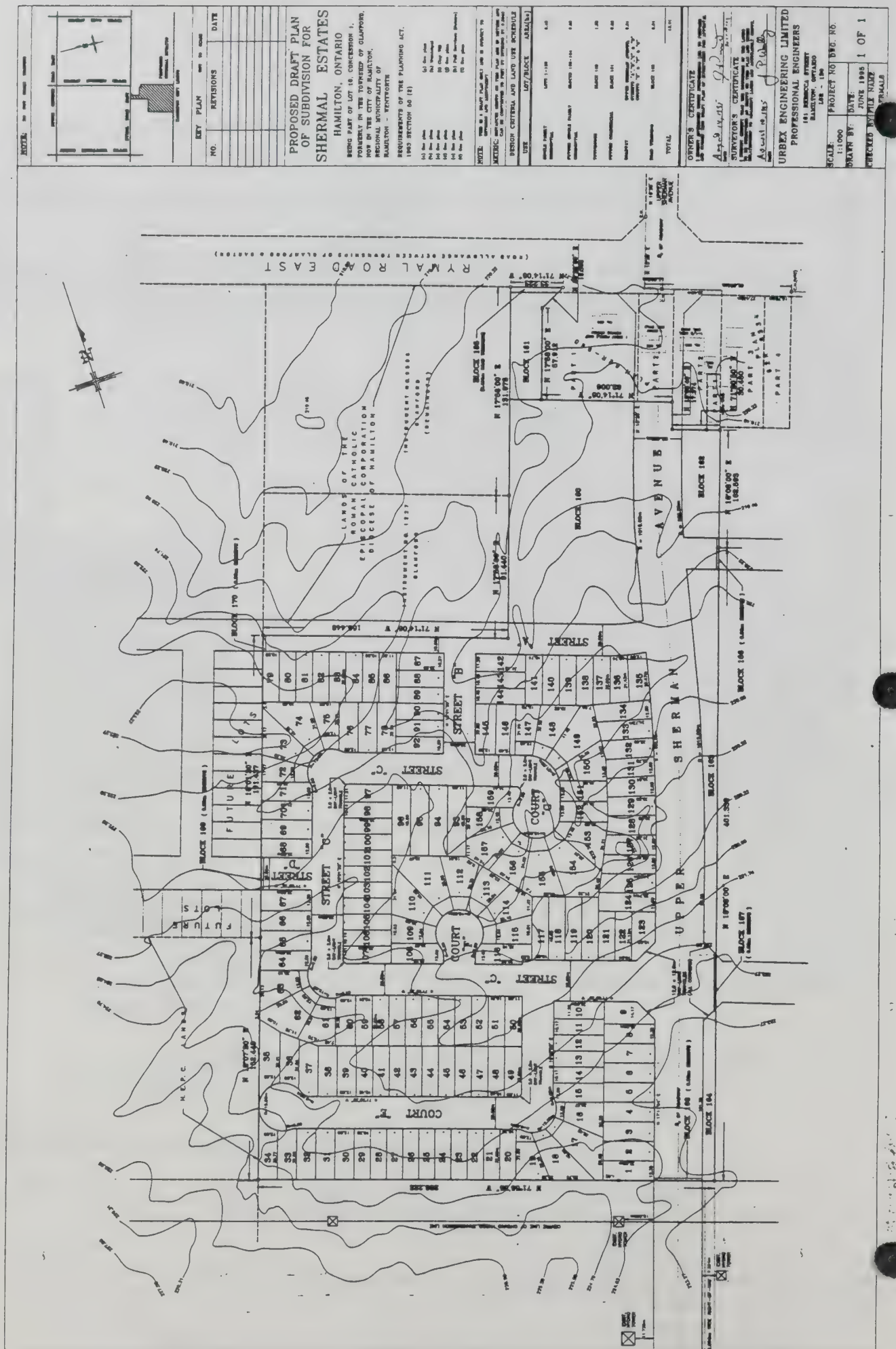
3. The application has merit and can be supported on the following basis:
 - it complies with the intent of the Official Plan;
 - the proposed plan of subdivision and rezoning implement the approved neighbourhood plan;
 - the proposed development provides for a variety of housing types and tenures in that the applicant is proposing to develop block townhouse units, small lot single and single detached dwellings; and,
 - it is compatible with existing and proposed development in the area.
4. The Roads Department had originally recommended approval of the subdivision subject to the condition that the first phase of development south of Rymal Road East must include a street loop system of Streets "A", "B" and "C" and Upper Sherman Avenue for service vehicles, Transit Facilities, school buses etc. This was to avoid the creation of long streets with only one access point. As a result of discussions with the applicant, it was agreed that, on a temporary basis, the maximum number of residential units proposed on this and/or any abutting development plan, to be serviced by a single road access (eg dead end street), will not exceed 100 units. In addition, the Roads Department has requested that Street "A" be constructed to its full width prior to the development of balance of the subject lands which will be accessed from Street "A".

Vehicular access to Lots 9 and 92 should be restricted. As such, a 0.30 m reserve should be imposed to limit access to the flankage of Lots 9 and 92.

5. The Regional Planning Department has advised that as a condition of draft plan approval the Region will require, among other conditions, the following:
 - That the proponent satisfy TransCanada Pipelines requirements with respect to grading, blasting and notification requirements.
 - That the proponent satisfy Ontario Hydro's requirements regarding grading and construction activity within the Ontario Hydro right-of-way.

CONCLUSION:

On the basis of the foregoing, revised Subdivision Application 94-03 can be supported.



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CITY OF HAMILTON
- RECOMMENDATION -

3.61

DATE: 1996 March 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

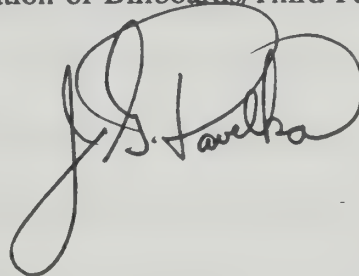
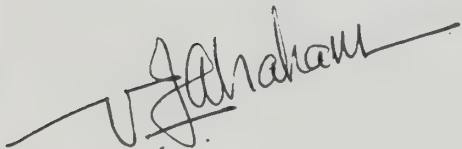
FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Billboards/Third Party Signs

RECOMMENDATION:

- a) That staff of the Planning and Development Department be directed to schedule a Public Information Meeting respecting the regulation of Billboards/Third Party Signs.



BACKGROUND:

- **Planning and Development Committee**

At its meeting of March 6, 1996, the Planning and Development Committee after receiving a delegation from representatives of Mediacom, directed that staff prepare an information report on the regulation of 'billboard signage'.

- **Zoning By-law No. 6593**

Signs are presently regulated under Zoning By-law No. 6593. The term 'billboard' only appears in the "H" (Community Shopping and Commercial, etc.) District regulations, but is not defined in the by-law. Since the term 'billboard' is not defined, any 'third part sign' (ie. wall sign, roof sign, pylon sign, window sign or any such sign) is considered, for purposes of by-law interpretation, to be a 'billboard' by the Building Department.

As set out under section 2.(2)H.(vig) of Zoning By-law No. 6593, a 'Third Party Sign' is defined as follows:

"Sign, Third Party" shall mean a sign that directs attention to,

- (a) a business, service or entertainment that is conducted, sold or offered for sale or otherwise, elsewhere than on the premises;
- (b) one or more goods, wares or merchandise or any personal property.

'Billboard' signs must meet the applicable district requirements (e.g. height, yards, area, location, etc.), which vary depending on the district in which they are located.

The Building Department has advised that **'billboards/third party signs'** are permitted in the following zoning districts:

- "G" (Neighbourhood Shopping Centre, etc.) District - wall signs only;
- "G-1" (Designed Shopping Centre) District;
- "G-2" (Regional Shopping Centres) District;
- "H" (Community Shopping and Commercial, etc.) District;
- "HH" (Restricted Community Shopping and Commercial) District - wall signs only;
- "I" (Central Business District, etc.) District;
- "HI" (Civic Centre Protected Districts) District;
- "J" (Light and Limited Heavy Industry, etc.) District;
- "JJ" (Restricted Light Industrial) District;
- "K" (Heavy Industry, etc.) District; and
- "KK" (Restricted Heavy Industrial) District.

COMMENT:

At its meeting of March 6, 1996, the Planning and Development Committee received a delegation from representatives of an Outdoor Advertising company who expressed concern about the lack of regulations affecting the placement of **'billboards'**.

Their concerns included visual clutter, obstructions to existing signs, numbers of new signs, etc. In this regard, they requested the Planning and Development Committee to direct staff to propose by-law amendments to regulate **'billboards'** (e.g. number and size of sign faces, separation distances). It was also suggested, that any study be carried out in consultation with the industry and interested groups.

Furthermore, it was proposed that a moratorium be placed on permit applications for **'billboards'** while the matter is under review.

Subsequent to the meeting, staff contacted other municipalities who had recently undertaken similar sign by-law reviews (ie. Kitchener, London, Waterloo). It is understood that the time frame for those reviews ranged from 7 to 11 months. During the interim, both Kitchener and London adopted Council policy/moratoriums not to issue sign permits.

Staff from the Building, Law and Planning Departments have met to review the matter and suggest that, since the issue has only been raised by one company, it would be appropriate for the Planning and Development Committee to schedule a Public Information Meeting to discuss the issues and receive input from other members of the industry and the community, prior to commencing a by-law review.

With respect to the proposal that a moratorium be placed on the issuance of permits, it should be noted that in Hamilton **'billboards'** are regulated under the zoning by-law. Whereas, in the Cities of Kitchener and London they are regulated under the Municipal Act. Accordingly, the only legislative option available to the City would be to enact an 'Interim Control By-law' under the Planning Act. However, staff are of the opinion that it would be premature to pass an Interim Control By-law as the Planning Act prohibits a municipality from passing a further Interim Control By-law that applies to any lands covered by the original Interim Control By-law for a period of three years. Accordingly, it is recommended that no action be taken unless a problem arises. In this regard, the Building Department has agreed to monitor the issuance of permits for **'billboards'**

CONCLUSION:

That the Planning and Development Committee direct staff to schedule a Public Information Meeting to receive input on the regulation of **'billboards/third party signs'**.

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 March 5

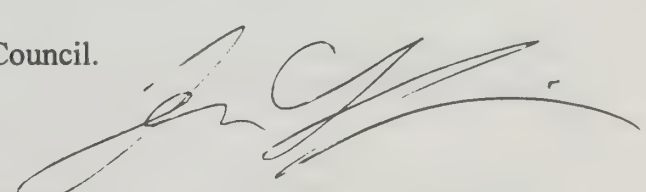
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: 216 Burlington Street East - Demolition Under The
Planning Act (96.2.4.2.1.A, 96.4.9)

RECOMMENDATION:

- (a) That the Building Commissioner be authorized to call tenders and subsequently proceed to have the building located at 216 Burlington Street East demolished to bring the subject property into compliance with City of Hamilton Property Standards By-Law 94-185 and as authorized under The Planning Act, 1990 Subsection 20, Section 31 and specifically to do the work required to comply with the Final and Binding Order; and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for 216 Burlington Street East in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended; and,
- (c) That the appropriate by-law be enacted by Council.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The property in question is a vacant frame single family dwelling. The estimated present value of the property is \$14,500. Due to the deteriorated condition of the existing fire-damaged structure, the building does not contribute to the land value and, in fact, the value of the land without the structure is estimated at \$20,000. There is a \$40,000. mortgage registered against the property. The present structure would not be economically viable for rehabilitation.

The property presently has tax arrears of \$3,167.70 representing 1994 and 1995. The cost of the demolition, levelling, and clearing of the lands will be approximately \$4500. which, together with administrative costs, will be added to the tax roll. Due to the tax and mortgage situation on this property, it is unlikely the City will be able to recover its costs (\$4,500.) in this matter.

BACKGROUND:

The Building Department has received numerous complaints over the last five years concerning the deteriorated condition of the subject property and the lands surrounding same. In addition, there have been concerns raised over a deteriorating rubble foundation allowing the building to lean towards the neighbouring property to the west. The building has also sustained extensive fire damage and there have been concerns over the security of the building.

After the fire, the Building Department commenced enforcement under City Property Standards By-law 74-74, in effect then, and now continuing as By-law 94-185. This enforcement dealt with the exterior conditions of the building and the property. Throughout these times, Orders also had to be issued for the clean-up of various amounts of garbage and debris and due to non-compliance of these Orders by the owner, the City had the property cleaned up by its own contractor.

A Final & Binding Property Standards Order is now in place, which was not appealed by the owner, and despite numerous promises to comply, the owner has not seen fit to do so in any fashion. Recently an inspection by the Building Department revealed an open drain in the basement which during heavy rains contributes to overflow of sewage onto the neighbouring property.

Hence the recommendation to enforce the Order to secure the health, welfare, and safety of the inhabitants of the area is being brought forward at this time.

LCK/PCL/DI/dm

DL

CITY OF HAMILTON**- RECOMMENDATION - MAR 12 1996**

DATE: 1996 March 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Custom House/Ontario Workers' Arts and Heritage
Centre - Heritage Permit

RECOMMENDATION:

That a Heritage Permit be approved for the following alterations to the Custom House/Ontario Workers' Arts and Heritage Centre, a designated building located at 51 Stuart Street, Hamilton:

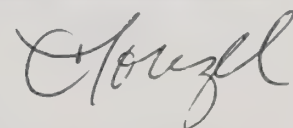
Exterior Alterations:

- a) Blocking up the four east basement windows on the north facade to be covered with a stucco finish, providing the original windows are kept in place and protected against deterioration; and,
- b) Installing a barrier-free ramp on the east facade, as specified in the revised sketch dated 1996 March 7 as prepared by McCallum Mokrycke Sather Architects; and,
- c) Stones for gates, parapet, chimneys, etc., which are to be stockpiled, to be stored on site; and,

Interior Alterations:

- a) Installing clear span beams in the exhibition area (24'0"), including the removal of the existing piers (not original); cutting new beam pockets into the existing walls; recessing structural supports within the wall and restoring the lath and plaster finish to match the original interior wall; and,

- b) Installing new vestibule double doors at the east end of the ground floor corridor, to be of clear glass and frameless, if possible; and,
- c) Removing and reassembling window surrounds and replacing the stained glass (not original) with reconstructed arched windows.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Any changes to the heritage features of a designated building specified in the Reasons for Designation require City Council approval in accordance with the provisions of the Ontario Heritage Act, 1989.

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1996 February 26 met with the project architects to review the proposed restoration, stabilization and reconstruction of the Custom House/Ontario Workers' Arts and Heritage Centre located at 51 Stuart Street, Hamilton. Following the presentation made to the Committee, the architects were advised that certain alterations (exterior and interior) would require a heritage permit and would need to be identified. The heritage permit addresses only those changes specified in the Phase I Proposal. When Phase II is undertaken, the proposed alterations in this Phase will be reviewed in terms of a heritage permit.

The Local Architectural Conservation Advisory Committee at its meeting held 1996 March 11 recommended that a heritage permit be approved for the alterations to the Custom House/Ontario Workers' Arts and Heritage Centre as recommended by the Committee's Research Sub-Committee.

The former Custom House is designated pursuant to the provisions of the Ontario Heritage Act, 1989 and was also recognized as a National Historic Site in 1990.

The building was purchased by the Ontario Workers' Arts and Heritage Centre in 1995 with financial assistance from both the Province and the City. This Centre will be devoted to the preservation and celebration of Ontario's working class history and labour culture. It will accommodate gallery space for historical and contemporary exhibits, a gift shop and cafe, and a library and archives. Renovations are scheduled to begin in 1996 April with the goal of being completed for the official opening on Labour Day, 1996. Plans are currently being prepared by the project architects, McCallum Mokrycke Sather in collaboration with Taylor/Hazell Architects Ltd. (restoration consultants).

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Art Zuidema, Law Department

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday, 1996 March 20
9:30 o'clock a.m.
Room 233, City Hall**

A. ADOPTION OF THE MINUTES

Minutes of the Meeting held 1996 March 6

B. SENIOR DIRECTOR, ROADS DEPARTMENT

"Ridgeview Estates - Phase 3", Cash in lieu of 5% Parkland Dedication

C. BUILDING COMMISSIONER

(a) Commercial Property Improvement Loan Program (CPILP)
- 422 Barton Street East

(b) 45 Dalhousie Avenue - Hamilton Emergency Loan Program

(c) 576 Burlington Street East - Demolition

(d) 499 Scenic Drive - Demolition

D. DIRECTOR OF PLANNING AND DEVELOPMENT

Proposed Draft Plan of Condominium by Roy Megna (In Trust) - 174 Herkimer Street, Durand Neighbourhood.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

A.

Wednesday, 1996 March 6
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:

Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman Wm. McCulloch
Alderman G. Copps
Alderman F. Eisenberger
Alderman B. Charters
Alderman M. Caplan
Alderman H. Merling

Regrets:

Mayor Robert M. Morrow - Civic Business

Also Present:

Alderman T. Jackson
Victor Abraham, Director of Planning
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Joanne Hickey-Evans, Planning and Development
John Sakala, Planning Department
Eugene Chajka, Roads Department
Art Zuidema, Law Department
Dan Vyce, Director of Property
Roland Karl, Public Works & Traffic Department
Willie Wong, Building Department
Tina Agnello, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **Zoning Application 95-31, by the Metropolitan Hamilton Real Estate Board, owner, for lands located at 39-41 Devonport Street, for a further modification to the "L-mr-2" District.**

Paul Mallard advised that this application is a temporary use by-law for a Public Parking Lot. He stated that there are requirements for landscaping and an encroachment agreement. Of 99 notices sent, 6 replied in favour and 1 was opposed.

As recommended in the report dated 1996 February 27, the Committee recommended to Council as follows:

- (a) That approval be given to Zoning Application 95-31, Metropolitan Hamilton Real Estate Board, owner, for a further modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit the temporary use of lands for a Public Parking Lot for a period of 3 years, under Section 39 of the Planning Act, for property located at 39-41 Devonport Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations as contained in Section 17B(6)(a)(iii) of Zoning By-law No. 6593, as amended by By-law Nos. 90-272, 82-225 and 80-278, be further modified to in accordance with Section 39 of the Planning Act, to permit the temporary use of the lands for the parking of motor vehicles, accessory to the use of the land at No. 505 York Boulevard, for a period not exceeding three-years from the day of the passing of the By-law;

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-717c, and that the subject lands on Zoning District Map W-11 be notated S-717c;
 - (iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending Zoning By-law not be forwarded for passage by City Council until such time as the owner has entered into the necessary landscaping and encroachment agreements with the City of Hamilton.

* Alderman G. Copps opposed.

2. Rental Housing Protection Act Application, 445797 Ontario Limited (Darko Vranich) owner, for 81 Charlton Avenue East, CD-95-012. (Corktown Neighbourhood)

Joanne Hickey-Evans advised that this is a conversion of 59 rental apartments to condos. The impact of affordable housing is based on rental supply and vacancy rates. With the regard to rental supply, the impact is negligible. With regard to vacancy rates, the rate for the City is 2.2% but downtown is 1.85%. This is slightly below a healthy vacancy rate of between 2% and 3%. There are extenuating circumstances under which the Planning Department is in favour of this application. All units are presently vacant and the building is in receivership and requires extensive renovation.

Alderman McCulloch concurred with the Planning recommendation. He stated that he has met with the applicants and is satisfied. He said that this proposal will enhance the City centre and the cost of the units will be extremely low and affordable.

As recommended in the report dated 1996 February 29, the Committee recommended to Committee as follows:

- (a) Notwithstanding the vacancy rate for rental apartment units, and specifically for two-bedroom units, is less than 2 percent, Application CD-95-012, under the Rental Housing Protection Act, 445797 Ontario Inc. (Darko Vranich), owner, for conversion of 59 rental apartment units to condominium units for the property located at 81 Charlton Avenue East, be approved due to the following extenuating circumstances:
 - (i) the building has had a large number of vacancies over the past five years and by the end of February, all the units will be vacant;
 - (ii) the building requires extensive renovations to make it habitable; and,
 - (iii) it provides the opportunity for affordable ownership housing in close proximity to the downtown.
- (b) The following conditions should be included as part of the approval of Application CD-95-012, under the Rental Housing Protection Act, 445797 Ontario Inc. (Darko Vranich), owner,:
 - (i) That this RHPA approval shall cease and be at an end,

- (1) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;
- (ii) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the City Solicitor, incorporating the City's conditions of approval listed herein and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;
- (iii) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;
- (iv) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
- (v) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.
- (vi) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

3. DELEGATION

Fred Muylaert, Real Estate Representative, Mediacom -Outdoor Billboard Signs

Fred Muylaert, Real Estate Representative of Mediacom Incorporated was present to speak on outdoor billboard signs. He stated that he has been a resident of Hamilton for 45 years and now works for one of the largest outdoor billboard companies in Canada. He is concerned that there is no regulation in the City of Hamilton and that billboards are appearing everywhere. Mr. Muylaert submitted a presentation package to the Committee with a schedule of photos.

Darcy Farr, Director of Regional Development for Mediacom Incorporated was also present. Darcy stated that Mediacom has taken on a self-regulatory approach to the business. He stated that presently in Hamilton, there is a cluttering of signs occurring. He was also concerned with the safety impact of drivers looking at many signs while on the road. He said at present Mediacom has two applications at Main and Dundurn but these have been put on hold. He stated that Mediacom is willing to work with the Planning and Development Committee to regulate the business. Mr. Farr continued by stating that London has just included regulations for billboard signs, which include separations, setbacks, sizes, and in which areas they can be located. Hamilton is the only municipality in the area that does not have controls in this area at the present time.

Alderman Jackson suggested that a review is in order and asked Victor Abraham what has been done with regards to billboards. Mr. Abraham advised that in the late 70's, the Planning Department tried to create a by-law under the Municipal Act, but at that time, there was opposition from sign companies.

In response to a question from Alderman Eisenberger, Mr. Abraham advised that in the meantime an interim control by-law can be enacted.

Art Zuidema advised that that is a very extreme measure since the municipality cannot pass another interim control by-law for 3 years after one is passed.

Darcy Farr stated that once discussion took place in Waterloo, many billboards were put up before the by-law was enacted. In London, they had an interim control by-law which put things on hold while the by-law was being drafted.

In response to a question from Alderman Caplan, Mr. Abraham advised that it would take a few months to get the whole by-law completed since a study would first have to be conducted. He added that an interim control by-law has only been passed in the City once.

In response to a question from Alderman Drury, Willie Wong stated that the Building Department cannot delay applications unless an interim control by-law is passed.

After a brief discussion, the Committee directed Planning Staff to come back with a preliminary report at the next meeting of the Planning and Development Committee.

4. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 February 21

The minutes of the meeting held 1996 February 21 were adopted as circulated.

Item C. (b) and E. (b) were pulled for discussion and subsequently the Committee recommended to Council various recommendations as follows:

B. SENIOR DIRECTOR, ROADS DEPARTMENT

Final Lot grading and Sodding Contract for Various Subdivisions During 1996 - dated 1996 February 19

That the Purchasing Manager be authorized and directed to issue an Open Order to Oakridge Landscape Contractors Ltd., on behalf of the Treasury and Building Departments, based on prices received for Quotation C18-1-96, to provide final lot grading and sodding as and when required during 1996 in various subdivisions, being the lowest of three quotations received in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090.

C. BUILDING COMMISSIONER

(a) 120 Wilson Street - demolition - dated 1996 February 22

- (i) That the Building Commissioner be authorized to issue a demolition permit for 120 Wilson Street, once the owner obtains a building permit and has registered on title to the land an Agreement with the City, whereby the owner agrees to construct and substantially complete a new building on the site within two years from the day demolition of the existing residential building is commenced; and,

- (ii) That failure to complete the new building within the time specified, the City shall collect the maximum sum of \$20,000. for the single family dwelling unit in a like manner as municipal taxes. The condition for redevelopment shall be registered on title in accordance with the provisions of the Planning Act; and,
- (iii) That the owner's lawyer shall prepare and register the Agreement at the owner's expense in a form satisfactory to the City Solicitor, against the land.

(b) 107 Graham Avenue North - demolition - dated 1996 February 22

That the Building Commissioner be authorized to issue a demolition permit for 107 Graham Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

Prior to voting on the motion Alderman Copps stated that she has concerns with regard to no plan for building is available for this property at this time.

Mr. Vyce explained that this is one of twelve properties located in a designated park. The City has been to this property and tried to maintain it. At present, it is in a dilapidated condition since it requires \$41,000. in repairs to the roof and the foundation on the north walls. As a result, it would take 35 years to recuperate the \$41,000. This recommendation went to the Parks and Recreation Committee one month prior to this meeting and has been approved by Council. It is now before the Planning and Development Committee for a demolition permit.

Alderman Eisenberger concurred and stated that the business decision is relative to costs in this situation and fits in with the plan to put a park in that location.

Alderman Drury stated that he is concerned with children playing there and with dumping.

(c) 93 Niagara Street - demolition - dated 1996 February 22

That the Building Commissioner be authorized to issue a demolition permit for 93 Niagara Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

Authorization for Staff Attendance at OMB Hearing - 550 Fennell Avenue East (A-95-258) and 1379 Upper James Street (A-95-278) - dated 1996 February 26

That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearings regarding appeals to the following Committee of Adjustment decisions:

- (a) to deny application A-95-258 respecting property located at 550 Fennell Avenue East; and,
- (b) to deny application A-95-278 respecting property located at 1379 Upper James Street.

E. SECRETARY, LACAC

- a) Christ's Church Cathedral - Request for Technical Consulting Service to Repair Stained Glass Window - dated 1996 February 26

That the City, through the Department of Planning and Development, apply on behalf of Christ's Church Cathedral for the Technical Consulting Service offered by the Ontario Historical Society in co-operation with the Ministry of Citizenship, Culture and Recreation for the purpose of repairing the large stained-glass window on the east wall of the chancel.

- b) James Mountain Road Project - Restriction on Left Turns into the Durand - Markland Heritage Conservation District from James Street - 1996 February 27

The Committee resolved that this report be received.

Prior to voting on the motion Alderman McCulloch stated that he recommended at the L.A.C.A.C. meeting that this report is redundant and he therefore recommended that it be received for information purposes only.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

- a) Information Items

The Committee acknowledged receipt for information purposes the following items which were forwarded to the members of the Committee under separate cover.

Secretary, L.A.C.A.C. re L.A.C.A.C. minutes of 1996 January 22 dated 1996 February 27.

- b) Rescheduling of 1996 April 24th meeting to 1996 April 17

That the 1996 April 24 meeting of the Planning and Development Committee be rescheduled to 1996 April 17 at 9:30 a.m. in Room 233, City Hall.

5. OTHER BUSINESS

The Committee was in receipt of an added information report from the Building Commissioner dated 1996 March 5 regarding Bill 120, Apartments in Houses as amended by Bill 20.

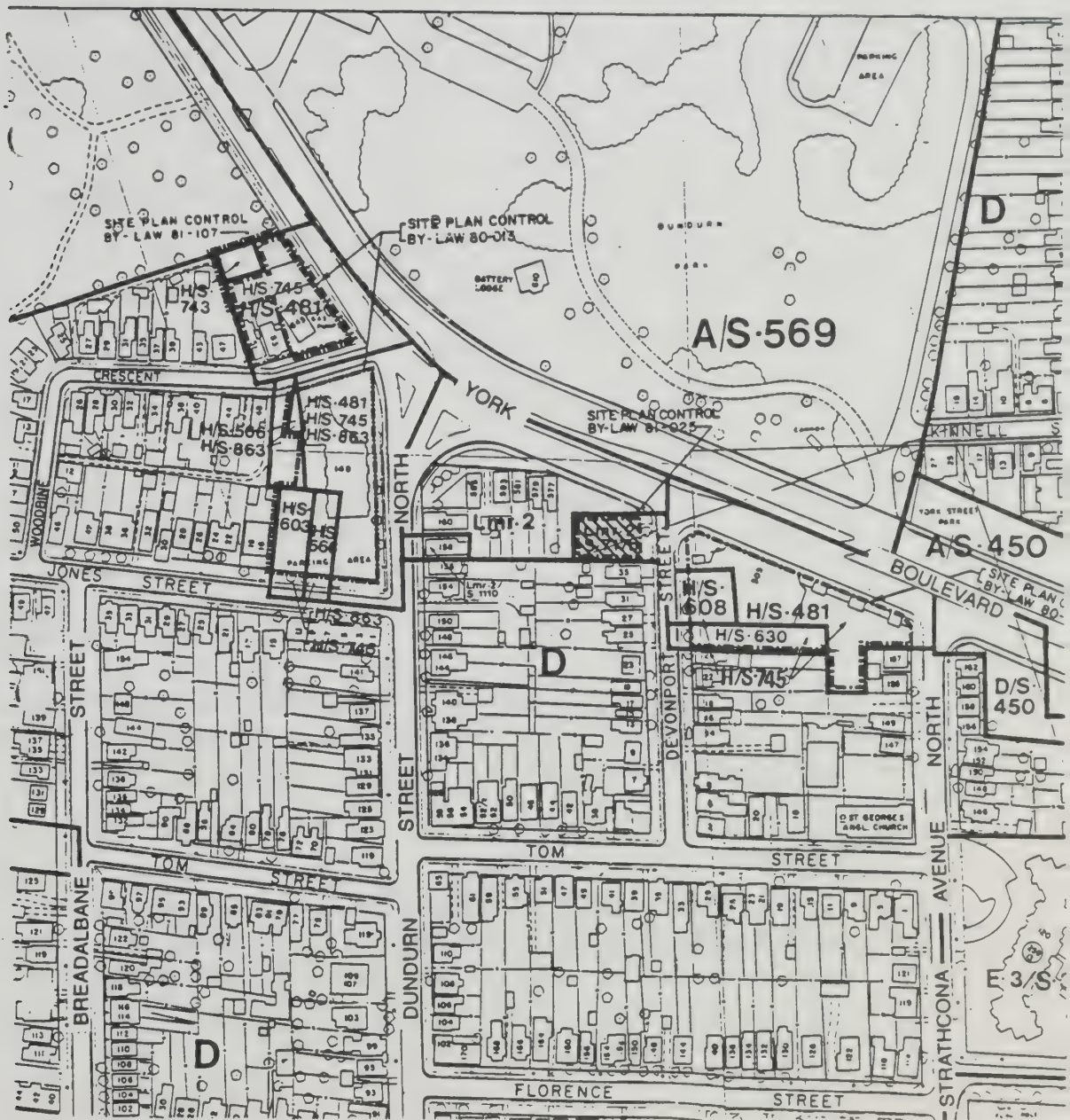
7. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Taken as read and approved.

**Alderman Don Drury, Chairperson
Planning and Development Committee**

**Tina Agnello
Secretary
/br**



Legend



Site of the Application



APPENDIX "A"

B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 February, 28
S718-56 P. Strong

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: E. M. Gill, P.Eng.
Senior Director
Roads Department

SUBJECT: "RIDGEVIEW ESTATES - PHASE 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

- a) That Item 4 of the Planning and Development Committee Report 14-89, approved by Council on 1989 May 30, regarding the approval of the sum of \$7,000.00 representing the cash payment in lieu of 5% parkland dedication for "Ridgeview Estates - Phase 3" be deleted.
- b) That the City of Hamilton accept the sum of \$16,100.00 as a cash payment in lieu of the 5% land dedication in connection with "Ridgeview Estates - Phase 3, Hamilton, being the cash payment required under Section 51 of the Planning Act.



E. M. Gill, P.Eng.

cont'd...

DATE: 1996 February, 28

**"RIDGEVIEW ESTATES - PHASE 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)**

cont'd...

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.


BACKGROUND:

City Council at its meeting of May 30, 1989 approved Item 2 of the Fourteenth Report of the Planning and Development Committee. The cash figure for inclusion in the City Subdivision Agreement was determined to be \$7,000.00 for the fourteen proposed lots being created by the final plan of subdivision. The owner has now included additional lands within the final plan of subdivision which now contains 14 Lots for single family development plus one Block for multiple family development which required a revision to the 5% cash in lieu of lands.

The owner of Ridgeview Estates - Phase 3 (Valery Construction Limited) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$16,100.00.

The lands of Ridgeview Estates - Phase 3 are located on the south of Stone Church Road East and east of Upper Wentworth Street Butler Neighbourhood.

ps 

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department

Ca)

CITY OF HAMILTON

- RECOMMENDATION - MAR 07 1996

DATE: 1996 March 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program
(CPILP)
422 Barton Street East (96.2.4.2.1.A)(96.2.14)

RECOMMENDATION:

- (a) i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000.) to Marco and Fernando Tollis, c.o.b. as Riviera Banquet Centre Inc., for improvements to 422 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3 1/2 per cent, amortized over 10 years, and;
- ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500.) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program, and;
- (b) i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000.) to Marco and Fernando Tollis, c.o.b. as Riviera Banquet Centre for exterior storefront improvements to 422 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3 1/2 per cent, amortized over 10 years, and;
- ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500.) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.



.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 422 Barton Street East has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 74-74 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loans and grants to the applicant for improvements to 422 Barton Street East:

- a. \$25,000. loan amortized over ten years at 3 1/2 per cent interest. Grant portion \$12,500. Security: promissory note and lien. Monthly payments \$247.26.
- b. \$5,000. loan amortized over ten years at 3 1/2 per cent interest. Grant portion \$2,500. Security: no security other than promissory note. Monthly payments \$75.00.

A lien for \$25,000. will be registered on title, in second place to a mortgage of \$189,313.88, in favour of the Royal Bank. The applicant has agreed to postpone to third place the current second mortgage registered on title.

LCK/MM/dc

- c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

Cb)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 March 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
45 Dalhousie Avenue (96.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, eight hundred and seventy three dollars (\$1,873.) be approved for Olga Bashnuk, 45 Dalhousie Avenue. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Olga Bashnuk, 45 Dalhousie Avenue in the amount of \$1,873. The furnace has been replaced, and the Department recommends approval in the amount of \$1,873. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

Ce)

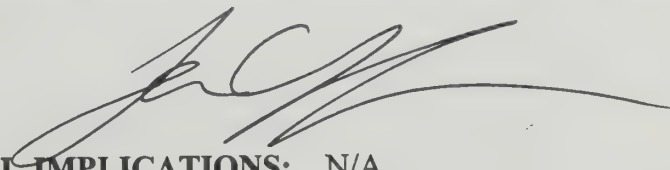
CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 March 8
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee
FROM: L.C. King, P. Eng.
Building Commissioner
SUBJECT: Demolition of:
576 BURLINGTON STREET EAST
(96.1.1.A)

MAR 8 1996

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 576 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K/S-727 (Map E-20)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Burlington Street Widening

BRIEF DESCRIPTION: Owner wishes to demolish the two storey insul/brick single family dwelling for the proposed Burlington Street widening. No LACAC interest. Lot size 20' x 66'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

ND/zr

C'd)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 March 8

MAR 8 1996

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
499 SCENIC DRIVE - Tag Number 95994
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 499 Scenic Drive in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: B (Map W-26)

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: Owner wishes to demolish an existing single storey, protected frame and brick veneer, single family dwelling and rebuild a new single family dwelling. No LACAC interest. Lot size 79' x 154'.

The owner of the property as per the demolition permit is:

Mr. P. Chiarot
152 Country Club Drive
Hamilton, Ontario

SB/zr

D.

CITY OF HAMILTON MAR 13 1996

- RECOMMENDATION -

DATE: 1996 March 7
(CDM-CONV-95-001)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

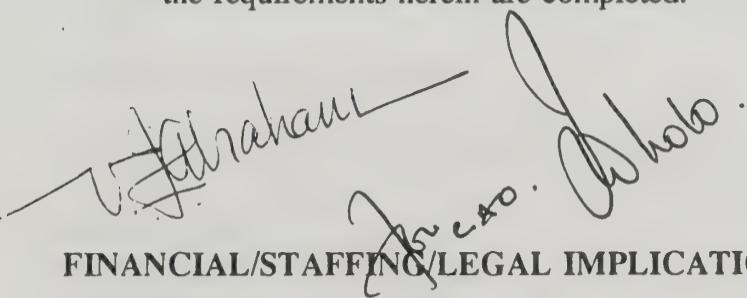
SUBJECT:

Proposed Draft Plan of Condominium by Roy Megna (In Trust) -
174 Herkimer Street, Durand Neighbourhood

RECOMMENDATIONS:

1. That approval be granted to application CDM-CONV-95-001 submitted by Roy Megna (In Trust), owner, for a draft plan of condominium located at 174 Herkimer Street to provide for a condominium comprised of a 5 storey apartment building containing 19 individual apartment condominium units, subject to the following conditions:
 - a) That this approval applies to the attached draft plan dated March 25, 1995 prepared by Consoli & Jacobs Surveying Ltd.;
 - b) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;
 - c) That prior to approval of the final plan,
 - i) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and
 - ii) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593 namely the number and actual dimensions of parking spaces, manoeuvring spaces, access driveway and the angle of the parking spaces.

- d) That the owner shall have satisfied one of the following requirements in regard to the parking space(s) located within the road allowance of Herkimer Street:
 - i) that the owner enter into Boulevard Parking Agreement with the City of Hamilton to the satisfaction of the Director of Public Works and Traffic, or
 - ii) that the owner remove the existing paving and restore the road allowance to a landscaped condition.
 - e) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-001);
 - f) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - g) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
2. That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner -

Roy Megna (In Trust), Hamilton, Ontario

Surveyor -

Consoli & Jacobs Surveying Ltd., Hamilton, Ontario

Location -

The lands known municipally as 174 Herkimer Street, comprising 0.41 acres, are located on the north side of Herkimer Street, east of Queen Street South in the Durand Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert an existing rental apartment building containing 19 units on 5 floors to condominium status.

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Existing Development" within the "Urban Policies Area". The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

City of Hamilton Zoning By-law - The lands are zoned "E" - Multiple Dwellings.

Neighbourhood Plan - The lands are designated "Medium-Density Apartments" according to the Durand Neighbourhood Plan. The proposal complies.

Rental Housing Protection Act - Application CD-95-001 was approved by Council on May 30, 1995 subject to several conditions. Recommendation of draft approval status of the Plan of Condominium is conditional upon the owner securing the Certificate of Approval.

Comments from Circulation -

The following agencies had no comments or objection toward the proposal:

Ontario Hydro
Hamilton Hydro
Union Gas
Bell Canada
Hamilton Region Conservation Authority

The City of Hamilton Public Works and Traffic Department noted the following:

"It also appears that 1 or 2 existing parking spaces located immediately adjacent to Herkimer Street may be within the road allowance of Herkimer Street. In order to allow these 2 spaces to continue in their present location, a Boulevard Parking Agreement is required."

"If it is the intent of the applicant to abandon the use of these two parking spaces, we recommend that approval of the application be conditional upon the applicant removing the existing paving and restoring the road allowance to a landscaped condition."

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"INFORMATION:

1. Public sewers and watermains are available on Queen Street and the proposed development can be serviced from these mains.

RECOMMENDATIONS:

None."

The City of Hamilton Building Department has submitted the following comments:

"COMMENTS:

1. The use is recognized as a nineteen (19) unit multiple dwelling with a minimum of nineteen (19) parking spaces.
2. The parking along the easterly lot line does not appear to provide the minimum dimensions and also some of the parking and manoeuvring spaces are located on the road allowance of Herkimer Street."

In addition, the Building Department has noted "the actual dimensions of the parking spaces, manoeuvring spaces and access driveway and the angle of the parking has not been provided to determine compliance".

COMMENTS:

The applicant wishes to convert 19 existing rental apartment units to 19 condominium apartment units on the subject property. To complete this process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then apply for the City's approval under the Condominium Act for the legal division of the property.

On May 30, 1995, Council approved application CD-95-001 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the owner will have had to complete the Rental Housing Protection Act conditions and received the Rental Housing Protection Act Certificate of Approval.

KE/ke

**DRAFT PLAN OF
ALL OF LOTS 87 & 88
& PART OF LOT 89
& PART OF THE ALLEYWAY
REGISTERED PLAN NO. 256**

BEING A PROPOSED CONVERSION IN THE
FORMER, LOTS, HERKIMER STREET AND CHARLTON AVENUE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

SCALE 1:500

CONBELL & JACOB SURVEYING LTD.
CITY OF HAMILTON

WARNING NOTE:
THESE PLANS ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF CONBELL & JACOB SURVEYING LTD.

LEGEND

BEARING NOTE:
ALL BEARINGS ARE TO BE TAKEN FROM THE SURVEY POINTS AND NOT FROM THE CORNERS OF THE LOTS.

NOTE:
THESE PLANS ARE TO BE USED FOR THE PURPOSES OF THE CITY OF HAMILTON AND NOT FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF CONBELL & JACOB SURVEYING LTD.

REVISIONS

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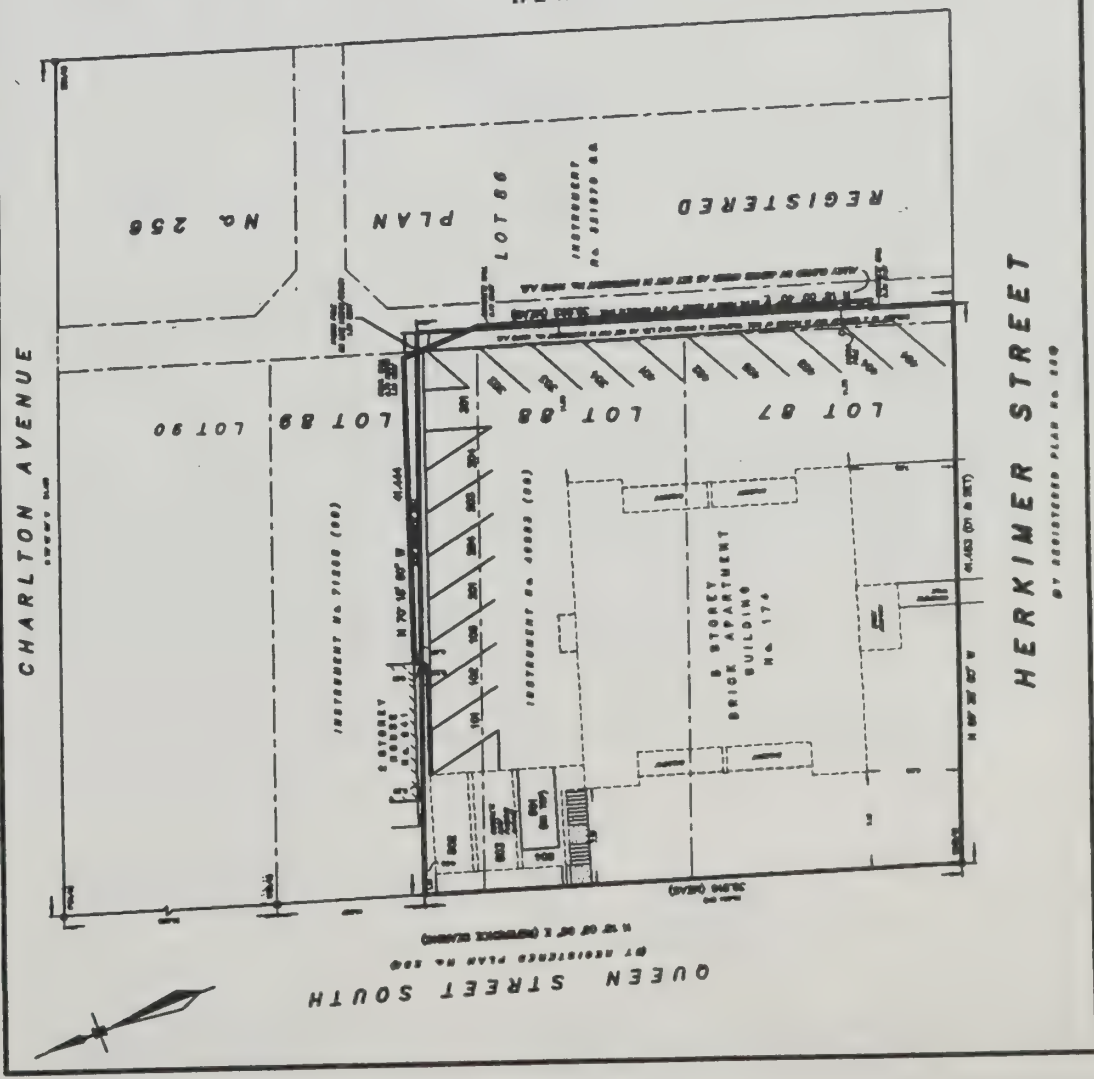
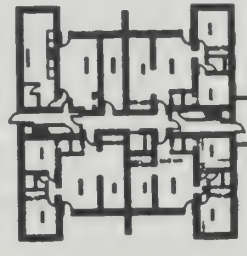
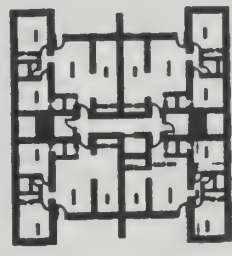
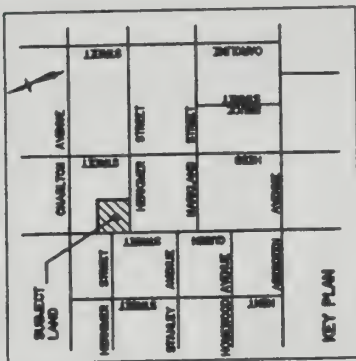
BY

FOR

BY

FOR

BY



HERKIMER STREET

BY REGISTERED PLAN NO. 256

QUEEN STREET SOUTH

BY REGISTERED PLAN NO. 256

HESS STREET SOUTH

NA. 256

PLAN

REGISTERED

LOT 88

LOT 87

LOT 89

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CHARLTON AVENUE

STREET NO.

HERKIMER STREET

STREET NO.

QUEEN STREET SOUTH

STREET NO.

HESS STREET SOUTH

STREET NO.

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E.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 March 14

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Secretary, LACAC re: Minutes of the meeting held 1996 February 26.
- (b) Director of Planning and Development re: Official Plan Review - Public Outreach Program, dated 1996 March 14.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:N/A

BACKGROUND:N/A

URBAN/MUNICIPAL
CAY ON HBL AOS
C51P4
1996



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 April 3
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

APR 1 1996

GOVERNMENT DOCUMENTS

Tina Agnello
Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Rental Housing Protection Act Application SE-96-001 - 252-268 James Street South, Durand Neighbourhood.

a) Submission: William Schapiro, Urban Outdoor Trans Ad,
1881 Yonge Street, Suite 800, Toronto, M4S 3C4
2. Zoning Application 95-34, by 867065 Ontario Inc. (M. Presta), owner, for a further modification to the established "E-1" District modified for property located at 252, 262, and 268 James Street South.
3. REFERRAL BACK FROM COUNCIL

Item 16(e) C-18 A By-law Respecting the Regulation of Billboards/Third Party Signs
4. BUILDING COMMISSIONER

30 Norfolk Road North - Demolition
5. CONSENT AGENDA
6. OTHER BUSINESS
7. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
3.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
5.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
6.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
7.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
8.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant

1996 March 28

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 March 25
(SE-96-001)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

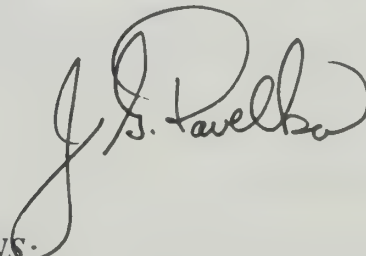
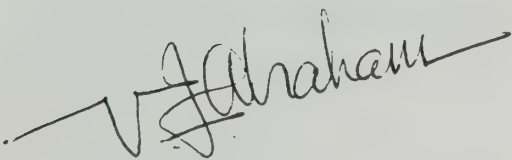
Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application SE 96-001 -
252-268 James Street South - Durand Neighbourhood

RECOMMENDATION:

1. That approval be given to Application SE-96-001 under the Rental Housing Protection Act, 867065 Ontario Inc, owner, to sever the land, which contains three mixed commercial/residential buildings with a total of 10 rental apartments into three separate parcels, for the property located at 252-268 James Street South, subject to the following conditions:
 - a) That the owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.
2. That upon satisfaction of the above noted condition, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner

867065 Ontario Inc. (Mario Presta), owner.

Existing Buildings

The subject property is comprised of three separate buildings as follows:

- 252 James Street South
 - one mixed residential/commercial building, two and a half storeys in height, with a total of 4 residential units (all one bedroom units) and commercial. One of the residential units is vacant. The building was built in 1891.
- 262 James Street South
 - one mixed residential/commercial building, two and a half storeys in height, with a total of 3 residential units (all one bedroom units) and commercial. All the residential units are occupied. The building was built in 1893.
- 268 James Street South
 - one mixed residential/commercial building, two and a half storeys in height, with a total of 3 residential units (two, one bedroom units and one, two-bedroom unit) and commercial. All the residential units are occupied. The building was built in 1895.

Additional Information

The building located at No. 252 James Street South is designated under the Ontario Heritage Act. The other two buildings are listed on LACAC's Inventory of Architecturally and Historically Significant Buildings.

There is a Land Severance Application (H-95-50) and a Zoning Application (ZAC 95-34) pending on the subject lands.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the properties at 252-268 James Street South was submitted to the City on January 31, 1996. The subject property is shown on the attached key map. The proposal is to sever one property into three individual parcels. Each of the parcels will contain buildings with rental apartment units and other future commercial uses or additional rental apartments. The owners wish to sever the property so they may sell the properties separately.

The units contained within the three buildings will remain as rental units.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 252-268 James Street South are subject to the Act since the owner intends to sever the property into three separate parcels. Since the total sum of the units on the one property is 10 rental apartment units, the Act applies. Once the properties are severed, they will no longer be under the jurisdiction of the Act unless there are more than four units in each building.

The Act notes that council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

- i) the building is structurally unsound;
- ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
- iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the owner is seeking to sever the property. Criteria ii) is not applicable as the owner is retaining the existing rental units. Therefore, criteria iii) applies to the application. Council may approve this application if, as noted by the Province, "if the proposal would not constitute an adverse effect on the supply of affordable rental housing in Hamilton. Since the buildings will remain as rental units, the impact on the supply of affordable rental housing is not a concern.

SUMMARY

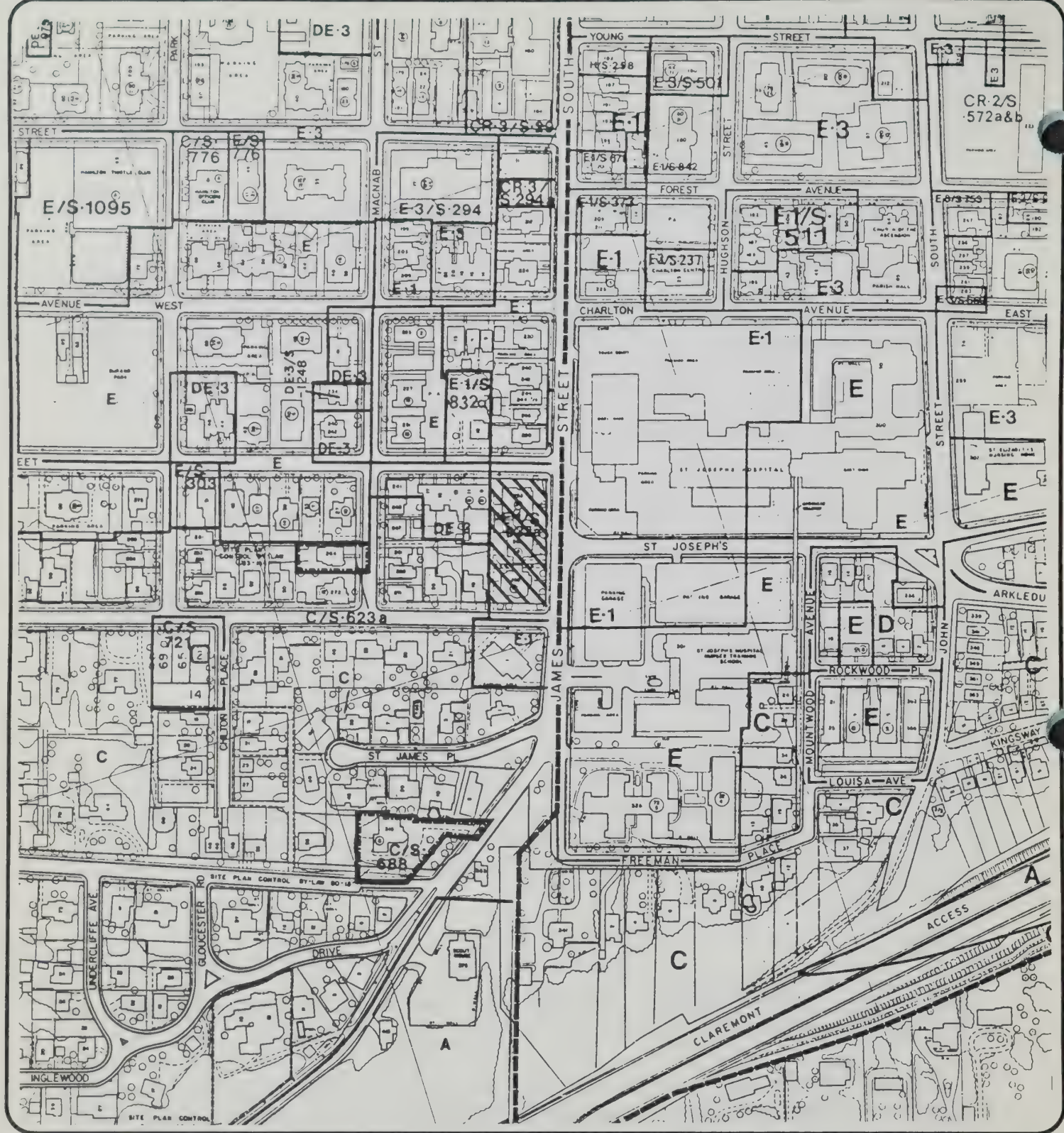
Since the owner is retaining these ten units as rental units, there is no affect on the supply of affordable rental housing.

In addition, for the information of the Committee, the owner is proposing to increase the number of residential units at Nos. 252 and 268 James Street South, if the commercial components are not successful.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

JHE/



City of Hamilton

Key Map

Rental Housing Protection Act

252-268 James Street South

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale

Date
FEBRUARY 1996

Reference File No.
SE-96-001

Drawn By
W. B.

URBAN OUTDOOR TRANS AD

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 199 March 26

March 19, 1996

MAR 27 1996

The Corporation of the City of Hamilton
71 Main Street West,
Toronto, Ontario
L8N 3T4

Attention: Secretary, Planning and Development Committee

RE: 252-268 James Street South, Hamilton

Dear Sir/Mesdames:

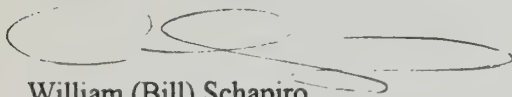
We are in receipt of your letter outlining the request by 867065 Ontario Inc. to sever its property into three (3) separate lots.

We, as tenants, have no objection to this proposal provided that this endorsement does not, or can not, be considered to infringe upon our rights to occupy our premises for the purpose of advertising third party events, products, and/or services. We ask that you confirm this position within the recording minutes of your up-coming Planning and Development Committee meeting..

Please allow us this opportunity to thank you for keeping us informed.

Sincerely,

URBAN OUTDOOR TRANS AD


William (Bill) Schapiro
National Manager, Property Development

WWS/ca

- b) **Commercial Uses** comprised of medical offices, the aggregate floor area of which shall not exceed 50% of the total gross floor area of the building including the basement or cellar;
- c) No part of the land abutting James Street South shall be used for vehicle access to or from James Street South;
- d) No part of the yard adjacent to James Street South shall be used for parking of vehicles;
- e) That notwithstanding Clauses (a) and (c) of Subsection 4 of Table 1 of Section 18A of Zoning By-law 6593, a minimum of 24 parking spaces shall be provided and maintained, as follows:
 - (i) a minimum of 13 parking spaces shall be provided and maintained on Block "1";
 - (ii) a minimum of 6 parking spaces shall be provided and maintained on Block "2";
 - (iii) a minimum of 5 parking spaces shall be provided and maintained on Block "3";
- f) That notwithstanding Section 18A (7) of Zoning By-law 6593, not more than three (3) of the parking spaces on Block "1" and four (4) of the parking spaces on Block "2" shall be permitted to have dimensions not less than 2.7 m wide and 5.0 m long;
- g) That notwithstanding Table 4 & 5 of Section 18A of By-law 6593, no loading space shall be required;
- h) That Sections 18A(11), 18A(12)(a) and 18A (26) shall not apply;
- i) The southerly driveway access for the parking area along the westerly property line of Block "3" adjacent to Markland Street shall not be used for any purpose other than an entrance from Markland Street; and,
- j) The northerly driveway access for the parking area along the westerly property line of Block "1" adjacent to Herkimer Street shall not be used for any purpose other than an exit to Herkimer Street.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and that the subject lands on Zoning District Map W-6 be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-6 for presentation to City Council;

- v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- 2. That By-law Nos. 85-200 and 86-103, applicable to the subject lands, be repealed in their entirety.

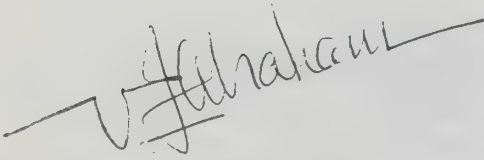
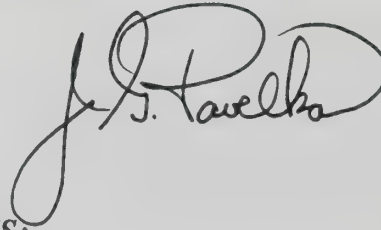
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for lands located at Nos. 252, 262, and 268 James Street South, shown as Blocks "1", "2", & "3" on the attached map.

The effect of the By-law is to permit the severance of the property into three (3) separate lots (i.e. Blocks "1", "2", & "3"), maintain the permitted medical and/or general offices as well as residential uses currently permitted, and allow commercial and residential uses within the basement level of the existing buildings. In addition, the by-law provides for the following variances as special requirements:

- a minimum of 13 parking spaces shall be provided for Block "1" whereas a maximum of 26 are required;
- a minimum of 6 parking spaces shall be provided for Block "2" whereas a maximum 15 are required;
- a minimum of 5 parking spaces shall be provided for Block "3" whereas a maximum 17 are required;
- three (3) of the thirteen (13) parking spaces on Block "1" and four (4) of the six (6) parking spaces on Block "2" may not be less than 2.7 m wide and 5.0 m long instead of the required 2.7 m in width and 6.0 m in length;
- no loading space will be required for Block "1", whereas two (2) at 3.7 m x 9.0 m are required.
- no loading space will be required for Block "3", whereas two (2) at 3.7 m x 9.0 m are required.
- no direct access will be permitted from Blocks "1", "2", & "3" to James Street South;
- an entrance only will be permitted from the southerly driveway access on Block "3" for the parking area along the westerly property line adjacent to Markland Street;
- an exit only will be permitted from the northerly driveway access on Block "1" for the parking area along the westerly property line adjacent to Herkimer Street;

- no separation is required between the access driveway and the adjacent residential district for Blocks "1" and "3", whereas a minimum 3.0 m separation is required;
- no landscaped planting strips are required between the boundary of the parking areas and the adjacent residential district, whereas a minimum 1.5 m is required.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

867065 Ontario Inc. (M. Presta), owner.

BACKGROUND:

- Proposal

The applicant has applied for a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit severance of the property into three (3) separate lots and permit additional commercial (i.e. offices, studios) and residential uses within the basement level of the existing buildings, for property located at 252, 262, and 268 James Street South, shown as Blocks "1", "2" & "3" on the attached map marked as APPENDIX "A".

- Zoning Application 85-50

At its meeting held August 14, 1985, the Planning and Development Committee reconsidered and approved Zoning Application 85-50, for a modification to the established "E-1" (Multiple Dwellings Lodges, Clubs, etc. District provisions applicable to the property located at Nos. 252, 262, and 268 James Street South to permit medical and/or general offices.

City Council at its meeting of August 27, 1985 adopted the recommendation of the Planning and Development Committee, and directed that an amending by-law be prepared.

On September 24, 1985, City Council passed By-law No. 85-200 which modified the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit the conversion of the three existing historic buildings excluding the basement or cellar, construction of a 1400.0 m² (15,000 sq. ft.) 2 - storey addition, and required 31 parking spaces overall for medical and/or general offices.

Upon circulation of By-law No. 85-200, objections were received by the City Clerk. As a result of the objection being filed and a meeting held on November 22, 1985 to review the concerns of the objectors, the following amendments were made to By-law No. 85-200:

1. The maximum floor area allowed for medical office use was reduced from two thirds (66%) to one half (50%) the floor area of the building;
2. The southerly driveway access for the parking lot along the westerly side property line adjacent to Markland Street was limited to an entrance only from Markland Street; and,
3. The existing residential unit located in the lower level (basement) of No. 268 James South be retained for residential use.

By-law 86-103 enacting the amendments to By-law 85-200 came into effect on April 15, 1986.

• Committee of Adjustment 87-20

At its meeting of January 22, 1987 the Committee approved the following variances for lands municipally known as 252 to 268 James Street South:

1. The continued maintenance of the existing management office within the basement area although the zoning restricts the basement area for storage use only;
2. The elimination of a required westerly privacy screen which if provided would be between two parking areas;
3. The existing driveway width from Herkimer Street to be maintained which is less than the required 6.0 minimum width reduced to 5.5 m;
4. The required parking to be reduced from 31 spaces to 29 spaces so as to permit the maintenance of the porte-cochere (i.e. carriage porch) on the exterior of the building at 268 James Street South until such time as an infill addition is built.

• Land Severance Application H-95-50

At its meeting of June 13, 1995, the Land Division Committee approved the applicants request to sever the property into three (3) parcels subject to, among others, the condition that the applicant apply for and receive final approval of a by-law modifying the zoning of the subject lands to permit each parcel on its own.

LOT SIZE AND AREA:

252 James Street South

- 38.1 m (125.08 ft.) of lot frontage on James Street South;
- 37.5 m (123.0 ft.) of lot depth; and,
- 1,417.75 m² (15,261.03 S.F.) of lot area.

262 James Street South

- 21.3 m (69.88 ft.) of lot frontage;
- 37.5 m (123.0 ft.) of lot depth; and,
- 793.4 m² (8,540.3 S.F.) of lot area.

268 James Street South

- 26.4 m (86.6 ft.) of lot frontage on James Street South;
- 37.1 m (121.7 ft.) of lot depth; and,
- 981.7 m² (10,567.30 ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Residential/Commercial	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified
<u>Surrounding Lands</u>		
to the north and south	Residential/Commercial	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	St Joseph's Hospital	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	Residential	"DE-3" (Multiple Dwellings) District and "C" (Urban Protected Residential, etc.) Modified

OFFICIAL PLAN:

The subject lands are designated *Commercial* on Schedule A.

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "*Commercial and Apartment*" on the approved Durand Neighbourhood Plan. The proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:
 - Union Gas; and,
 - Hamilton Region Conservation Authority.
- The Roads Department has advised that they are not opposed to the change in zoning. However, have forwarded comments concerning road widenings, daylight triangles and the future site development (see APPENDIX "C").
- The Building Department has reviewed the preliminary development plans and have advised that the severance of the lands as three separate properties will require several variances from the established "E-1" zoning district (See Appendix "D").
- The Public Works and Traffic Department has advised that they do not support the proposed parking reduction and recommend that the intensity of the development be limited by the total amount of parking that can be provided on each site (See Appendix "E").
- LACAC has advised that the building located at No. 252 James Street South is designated under the Ontario Heritage Act., and 262 & 268 are Listed on LACAC's Inventory of Architecturally and Historically Significant Buildings.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan the approved Durand Neighbourhood.
2. The proposal has merit and can be supported for the following reasons:
 - it complies with the intent of the Official Plan;
 - it is located on a major arterial road with direct access to public transportation;

- it implements the intent of the Neighbourhood Plan which designates the lands "Commercial and Apartments";
- it is located in close proximity to a major medical facility;
- it is an adaptive reuse of historically significant buildings; and,
- it represents a down zoning in that the potential gross floor area to be developed has been reduced from the previous approval (i.e. By-law 85-200) by elimination of the provision for a 1,400.0 m² addition.

3. The Building Department has reviewed the preliminary site plan (see Appendix "B") and has advised that the application would require the following variances:

Uses

The additional commercial (i.e. medical and general offices) and residential uses within the basement level of the existing buildings are currently permitted under By-law 85-200, but are excluded in the basement level of the buildings. The applicant proposes to delete the 1400.0 m² addition currently permitted under By-law 85-200 and maintain the 50% gross floor area requirement for medical offices currently permitted under By-law 86-103; however, has requested to utilize the basement levels of the buildings (approx. 828.05 m² total) which would be subject "Ontario Building Code" requirements.

The request reduces the amount of gross floor area currently permitted and promotes adaptive reuse of the existing historic buildings.

Parking, Loading, and Access Requirements

The applicant has proposed the following parking spaces for Blocks "1", "2" & "3" of the proposal:

- a minimum of 13 parking spaces shall be provided for Block "1", whereas 26 are required;
- a minimum of 6 parking spaces shall be provided for Block "2", whereas 15 are required;
- a minimum of 5 parking spaces shall be provided for Block "3", whereas 17 are required;

The above-mentioned parking requirements for each block are based upon the worst case scenario (i.e. 50% of the gross floor area for medical office and the remaining area for residential units). Overall the development proposes 24 parking spaces whereas 58 parking spaces are required. It is proposed that the properties will be developed with mutual parking and right-of-way agreement(s) in order for the access driveway and parking area to function much like they do currently.

It should be noted that the proposal is located in a reduced parking area for which only 50% of the normal parking is required for medical office and commercial uses (see Schedule "I" of Zoning By-law #6593). Furthermore, under the previous site specific zoning by-law (i.e. By-law 85-200) thirty-one (31) parking spaces were required for the all three (3) properties which included a potential addition of 1400.0 m². However, the applicant has deleted the option for the addition and has restricted the proposed uses within the existing building(s) including the basement subject to meeting "Ontario Building Code" requirements.

Although the Public Works and Traffic Department does not support the proposed reduction in parking from 58 required parking spaces to 24 proposed, the proposal can be supported from a planning perspective in that the potential gross floor area of development has been reduced from 3886.06 m² to 3314.11 m², which represents a reduced parking variance from that previously approved under By-law 85-200 and 86-103.

Note: Previous parking variance - 76 parking spaces to 31 parking spaces under By-law 85-200. Further reduced to 29 required spaces under Committee of Adjustment Application A-87-20.

Proposed parking variance - 58 parking spaces to 24 parking spaces.

The proposal can be supported since it represents a less intensive use of the subject lands and will ensure preservation and maintenance of existing site features, such as the James Street front yard landscape area, and allows adaptive reuse of the existing historic buildings.

Three (3) of the parking space on Block "1" and four (4) of the six (6) parking spaces on Block "2" will be 5.0 m long, whereas 6.0 m is required. In order to maximize the required number of parking spaces on-site seven (7) parking spaces overall will be reduced in length and utilized by smaller vehicles. By-law 85-200 previously approved five (5) spaces with a reduced length to 5.0 m.

No loading spaces will be required for Blocks "1" & "3", whereas two (2) at 3.7 m x 9.0 m are required for each Block. Due to the nature of the permitted uses it is anticipated that loading and unloading activity will occur within the manoeuvring space of the parking area.

No direct access will be permitted from Blocks "1", "2", & "3" to James Street South, as previously approved under By-law 85-200.

No separation is required between the access driveway and the adjacent the residential district for Blocks "1" and "3", whereas a minimum 3.0 m separation is normally required, as previously approved under By-law 85-200.

No separation distance or planting strip is required between the boundary of the parking area(s) of Blocks "1", "2" & "3" and any adjoining residential district, as previously approved under By-law 85-200.

The southerly driveway access, along the westerly property line adjacent to Markland Street, shall only be used as an entrance to the parking area, as previously approved under By-law 85-200.

The northerly driveway access, along the westerly property line adjacent to Herkimer Street, shall only be used as an exit from the parking area, as proposed on the preliminary site plan submitted by the applicant, and recommended by the Roads Department.

Side Yards

Block "1" - a 5.337 m northerly side yard currently exists whereas a 5.89 m is required.

Block "2" - a 0.45 m northerly side yard is proposed whereas a 4.978 m is required.

Block "3" - a 0.0 m northerly side yard is proposed whereas a 4.334 m is required.

- a 4.334 m southerly side yard currently exists whereas 5.936 m is required.

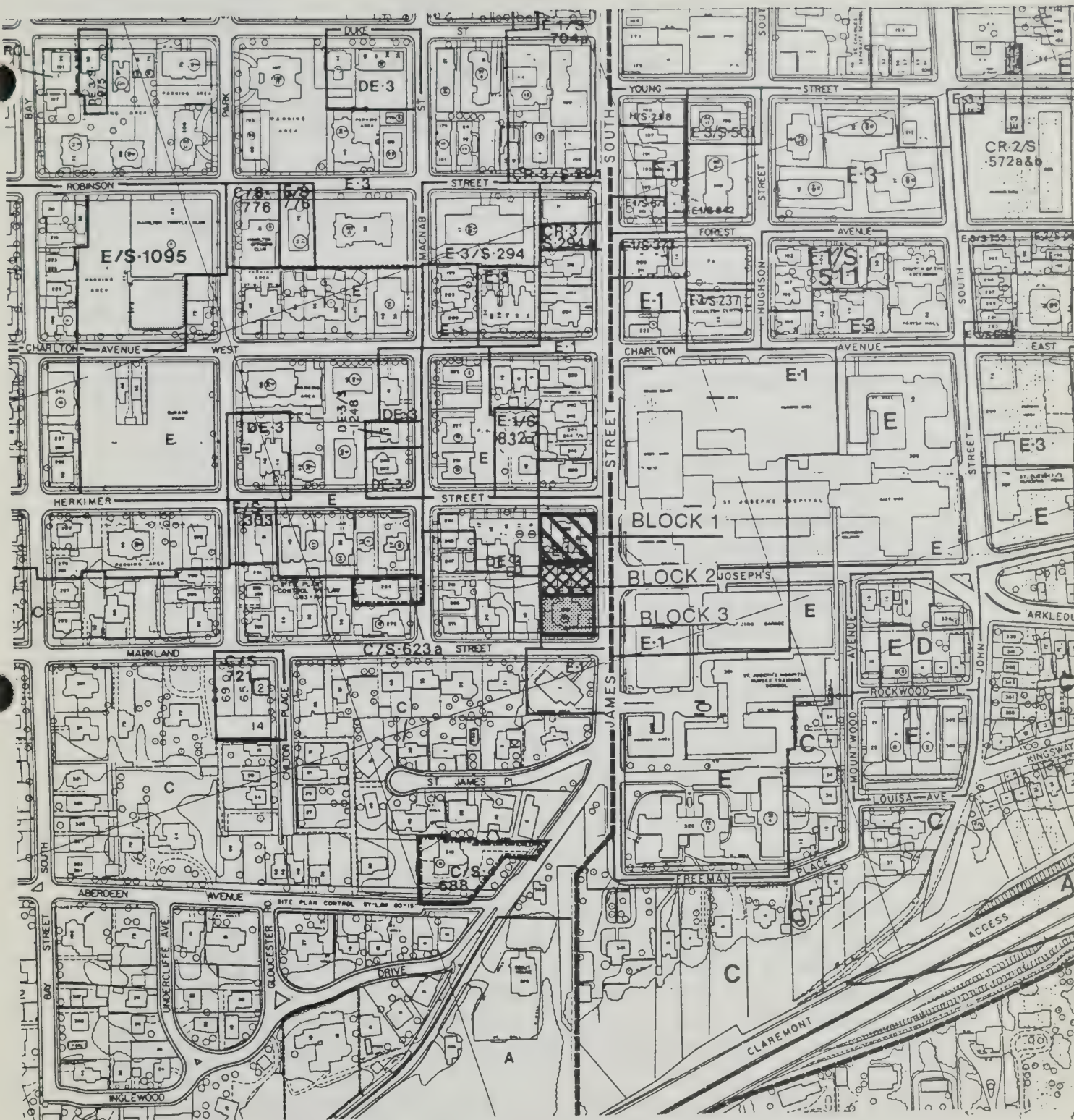
The existing buildings pre-date the established "E-1" District which requires greater side yards. Furthermore, the proposed lot lines, as per Land Division Application H-50-95, are placed to facilitate appropriate development of the lands with respect to parking and manoeuvring and ensure preservation and maintenance of existing site features such as the stone wall between 262 & 268 James Street South and the porte- cochere (i.e. carriage porch) attached to 268 James Street South.

5. The "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District modified is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to road widenings, access, landscaping, grading, fencing, lighting, etc. and mutual right-of-way agreements will be further reviewed at the site plan approval stage of development.
6. In order to administer the proposed by-law amendments under this application in a clear and efficient manner, it is recommended that By-law Nos. 85-200 and 86-103, currently applicable to the subject lands, be repealed in their entirety. - However, it should be noted that any current regulations not the subject of this application have been carried over in the recommendation and will be incorporated in the amending by-law.




CONCLUSION:


Based on the foregoing, the application can be supported.

JL/jl
WPZAC9534



Legend

- | | | |
|---------|---|--|
| BLOCK 1 |  | "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District Modified. |
| BLOCK 2 |  | "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District Modified. |
| BLOCK 3 |  | "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District Modified. |


ZAC-95-34

APPENDIX A

ROADS DEPARTMENT

MEMORANDUM

PLANNING & DEVELOPMENT LOCAL PLANNING BOARD	
File No.	FEB 21 1998
TO	DATE
FROM	FILE
SUBJECT	REMARKS
<p>YOUR FILE: ZAC-95-34</p> <p>OUR FILE: E220-0402</p> <p>PHONE: (905) 546-2809</p> <p>FAX: (905) 546-2870</p>	

TO: V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

FROM: E. P. Chajka, P. Eng.
Manager of Development
Roads Department

SUBJECT: **Zoning Application 95-34 for a further
modification to the "E-1" (Multiple
Dwellings, Lodges, Clubs etc.) District
to permit Commercial and Residential Uses
within the Existing Buildings Located at
252, 262 and 268 James Street South**

DATE: 1996 February 16

There are public watermain and combined storm and sanitary sewers available to service the subject lands.

Transportation's Comments

We have reviewed the above application and provide the following comments:

- (1) In the past, the Region had prepared preliminary functional design plans to improve the capacity of James Street South approaching the Jolley Cut Escarpment access. This functional design indicated that a 1.52 m road widening would be required on the west side of James Street South and that a 1.52 m by 1.52 m daylight triangle would be required from the widened limits of James Street South and the Herkimer Street road allowance limits. Although these works have not been included in the Regions Capital Works Program, the applicant should be advised of this future road widening.
- (2) We recommend that any closed board fences be set back a minimum of 3.0 m (prefer 5.0 m) from the road allowance limits of Markland Street and Herkimer Street.

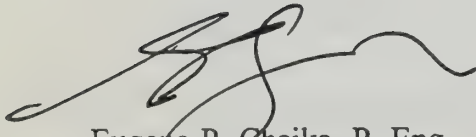
Cont'd...

APPENDIX C

February 16, 1996

**Zoning Application 95-34 for a further
modification to the "E-1" (Multiple
Dwellings, Lodges, Clubs etc.) District
to permit Commercial and Residential Uses
within the Existing Buildings Located at
252, 262 and 268 James Street South (cont'd)**

- (3) In our comments on Land Severance Application H-50-95, we recommended that the applicant/owner enter into an encroachment agreement with the Region and the City for the steps within the road allowance at the corner of Herkimer Street and James Street. We understand that this matter has not been completed to date and therefore recommend that as a condition of zoning approval that these encroachment agreements be finalized. These comments were also made on Site Plan Application DA-86-64 but it appears that matter was not completed at that time.
- (4) Our comments on the site plan submitted are based on the fact that accesses operate as a one-way entrance from Markland Street and a one-way exit on Herkimer Street as noted on the site plan submitted with this application.
- (5) In the absence of any grading plans shown, the grade changes required to construct a basement entrance and sidewalk must not affect the grade of the Herkimer Street road allowance.
- (6) Any other works which may occur within the Markland Street and Herkimer Street road allowances must conform to the respective Streets By-laws.



Eugene P. Chajka, P. Eng.
Manager of Development

DWW/HG

an DWI

BUILDING DEPARTMENT

71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-2720 / Fax (905) 546-2764



City of
HAMILTON

FILE: ZAC-95-34
ATTENTION OF: N. Drapeau
TELEPHONE NO: (905) 546-3935

1996 February 21

MAP NUMBER: W-6
PROPOSED ZONING: E-1/S-932 and S-932a

Mr. V. J. Abraham, M.C.I.P.
Director
Planning and Development Department
c/o Chief Administrative Office

Attention: Joe Lakatos

Dear Sir:

RE: ZAC-95-34
252, 262 and 268 JAMES STREET SOUTH

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
FILE NO.	TO	UNIT	INFO	ACT.
	DIR.			
	PLN.			
	ENG.			
	DES.			
	STAFF			
	CART.			
	ADMIN.			

Received
FEB 22 1996

Handwritten signatures: P. M. and J. L.

The above, under cover of your letter dated January 24, 1996, has been examined.

COMMENTS:

1. Due to insufficient dimensions on the submitted plans, cannot determine compliance for the minimum required setbacks as required in Section 11A(3)(i)(b), (ii)(b) and (iii)(b).
2. Parking requirements as per Section 18A for the various addresses and options as listed below (lower floor assumed to be basement area):

252 James Street South

- Option 1: requires 22 parking spaces minimum size 2.7m x 6.0m
requires 1 loading space minimum size 9.0m x 3.7m x 4.3m
- Option 2: requires 18 parking spaces minimum size 2.7m x 6.0m
requires 2 loading spaces minimum size 9.0m x 3.7m x 4.3m
- Option 3: requires 20 parking spaces minimum size 2.7m x 6.0m
requires 1 loading space minimum size 9.0m x 3.7m x 4.3m



Continued on Page Two

APPENDIX D

262 James Street South

Option 1: requires a total of 9 parking spaces

268 James Street South

Option 1: requires 6 parking spaces minimum size 2.7m x 6.0m
requires 1 loading space minimum size 9.0m x 3.7m x 4.3m

Option 2: requires 8 parking spaces minimum size 2.7m x 6.0m
requires 1 loading space minimum size 9.0m x 3.7m x 4.3m

Cannot determine compliance for parking due to the various requirements based on the different options.

3. The following requirements as per Section 18A of Zoning By-Law 6593 are required to be met:
 - a) the minimum 1.5m wide landscaped planting strip is required along the boundary area of every parking area along the westerly lot line,
 - b) a visual barrier minimum 1.2m height and 2.0m maximum in height is required along the boundary of the parking area abutting residential,
 - c) the access driveway is required to be a minimum of 3.0m away from the boundary line of the residential district.
4. Parking area shall be of a permanent durable and dustless surface that is graded, drained and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.
5. 252, 262 and 268 James Street South are designated under the Ontario Heritage Act as per By-Law 86-313.
6. Amending By-Law 85-200 Section 1(a)(i) and (ii) permitted only commercial uses of general offices and medical offices. The plans do not specify the proposed commercial use.
7. Amending By-Law 85-200 required the maximum permitted height to be 16.76m in height. The plans state that 252 James Street South is 18.0m.
8. Amending By-Law 85-200 requires no part of the yard adjacent of James Street South shall be used for the parking of vehicles. The plans propose parking in the yard at 252 and 262 James Street South.

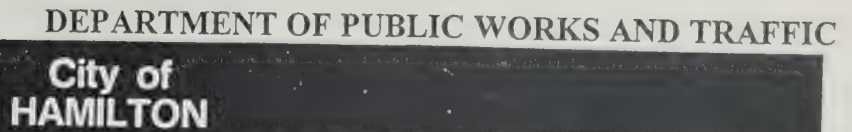
Continued on Page Three

9. Amending By-Law 86-103 permitted a maximum of 50% of the total gross floor area to be used for medical offices.
10. Amending By-Law 86-103 prohibited any uses other than storage and mechanical rooms in any basement and cellar except for the existing dwelling until existing on the day of the passing of this By-Law located in the basement of 268 James Street South.
11. The access driveway to be registered on title for all three properties as a right-of-way.

Yours truly

Nancy Draper
for the Building Commissioner

ND/zr



1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1996 March 25

Attention: Mr. Paul Mallard

Re: ZAC 95-34
252, 262 & 268 James Street South

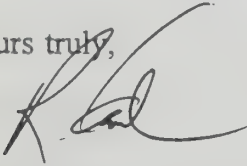
With the future status of St. Joseph's Hospital and its parking facility on St. Joseph's Drive in question, a potential justification for the proposed parking reductions has been eliminated. In the absence of any rationale to support the reduction in parking, we are not in a position to support the requested parking variances and recommend that the intensity of development be limited by the total amount of parking that can be provided on each site.

In the event that the application is approved, we offer the following comment regarding the revised plan.

As previously stated in our comments of 1996 February 20, the plan shows a minimum driveway width of 5.5 m between Markland Street and Herkimer Street. Therefore, we recommend that the right-of-way shown on the plan be modified to provide a width of 5.5 m.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

A handwritten signature in black ink, appearing to be 'Roland Karl', written over the words 'Yours truly,'.

Roland Karl, P. Eng.
Manager of Traffic Planning

BF/kg
Attach.

THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1985 April 12

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Att: Mr. S. Miazga

Re: Development Proposal
James Street South

DEVELOPMENT DIVISION			
FILE NO.			
RECEIVED APR 17 1985			
TO	INT	ATT	INFO
DIRECTOR			
✓ LAND USE MANAGER	8		
LAND DEV. MAN.			
✓ S	5/11	16-1	
T			
A			
P			

Dear Sir:

In response to your memo of 1985 March 25, please be advised that we have reviewed the above-noted proposal and have several comments:

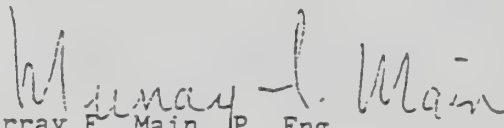
1. Aesthetically, the proposal has merit. However, the design of the two parking areas adjacent to James Street South is marginal. The proposed parking layout provides a tight manoeuvring area and creates the potential for a number of conflicts between entering and exiting vehicles. Access to two separate parking areas adjacent to James Street South may have a negative impact on the operation of James Street South in that vehicles will slow down at the entrances to determine whether or not parking space is available and/or back out of the parking areas onto the street in the event that the parking areas are full. The proposed plan providing four access points to three separate parking areas will create a number of unnecessary movements in and out of the various parking areas.

2. Access onto James Street South at this location, especially the southerly driveway, would encourage people to attempt left turns around the concrete median at James Street South and St. Joseph's Drive.

3. The existing traffic conditions in the vicinity of St. Joseph's Hospital, Herkimer Street and Markland Avenue has generated a number of neighbourhood concerns regarding overflow of commercial parking, increased traffic volumes on residential streets and speeding. Considering the existing parking situation, much of the overflow parking demand generated by this development would have to be accommodated in the parking garage on the south side of St. Joseph's Drive, which would require patrons to cross James Street South. We anticipate that rather than walking to the signal at James and Herkimer, people would attempt to cross in the area of St. Joseph's Drive. Promoting pedestrian crossings in this location would create an undesirable situation regarding the safety of pedestrians.

4. The property is located in an area where only 50 percent of required parking would have to be provided, in accordance with Zoning By-law 6593. This parking requirement is minimal, and would result in up to 102 parking spaces being required for almost 40,000 square feet of medical offices. The property abuts the 100 percent area, and is one block from a 0 percent area. A review of the preliminary site plan indicates that only 40 - 50 parking spaces would be provided on-site. In view of the existing parking conditions in the area, the history of neighbourhood concerns, the potential for operational difficulties, and the extensive reduction in required parking for the proposal, we cannot support this proposal, as submitted.

Yours truly,


Murray F. Main, P. Eng.
Director of Traffic Services

TG/rm

THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1985 June 21

DEVELOPMENT DIVISION			
FILE NO. <u>ZA 85-50</u>			
RECEIVED <u>JUN 25 1985</u>			
TO	INT.	ACT.	INFO.
<input type="checkbox"/> DIRECTOR			
<input checked="" type="checkbox"/> LAND USE MANAGER	<u>2</u>		
<input type="checkbox"/> LAND DEV. MANAGER	<u>1</u>		
<input checked="" type="checkbox"/> STAFF	<u>CN</u>	<u>24</u>	

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Att: Mr. J.J. Zipay

Re: ZA-85-50
252, 262 and 268 James Street South

Dear Sir:

In response to your letter of 1985 June 11, please be advised that we have reviewed the above-noted application and have the following comments:

A development proposal for the subject lands was previously reviewed by us in April of this year. We could not support the proposal, as submitted, for a number of reasons, as outlined in the attached letter of 1985 April 12. The proposal submitted with this application is the same as previously submitted.

Existing traffic conditions in the vicinity of St. Joseph's Hospital, Herkimer Street and Markland Avenue have generated a number of neighbourhood concerns regarding overflow of commercial parking, increased traffic volumes and speeding on residential streets. We anticipate that the area circularization of property owners for this proposal will result in a number of objections to an extensive reduction in required parking.

Recent studies of the current parking supply in the area indicate that during the daytime hours (10:00 a.m. to 4:00 p.m.), the average usage of on-street spaces in the area is 86 percent and the maximum usage is 92 percent, resulting in a minimal amount of unoccupied spaces under present conditions.

In the event that this application is approved, we recommend that the implementing by-law include the provision that no access be permitted from James Street South.

Yours truly,

Murray F. Main
Murray F. Main, P. Eng.
Director of Traffic Services

TG/rm

Atch.

OFFICE OF THE CITY CLERK
MEMORANDUM

TO: Tina Agnello, Secretary
Planning and Development Committee
YOUR FILE:

FROM: Mr. J. J. Schatz
City Clerk
City Clerk's Department
OUR FILE:
PHONE: 546-2727

SUBJECT: Billboards and Third Party Signs -
Direction for Interim Control Bylaw
and Study
DATE: 1996 March 28

Council at its meeting of 1996 March 26 approved Section 4 of the Fifth Report of the Planning and Development Committee as follows:

4. (a) That staff be directed to undertake a review and study respecting land use policies in the City relating to third party signs and billboards in the following zoning districts:
- . "G" (Neighbourhood Shopping Centre, etc.) District;
 - . "G-1" (Designed Shopping Centre) District;
 - . "G-2" (Regional Shopping Centres) District;
 - . "H" (Community Shopping and Commercial, etc.) District;
 - . "HH" (Restricted Community Shopping and Commercial) District;
 - . "I" (Central Business District, etc.) District;
 - . "HI" (Civic Centre Protected Districts) District;
 - . "J" (Light and Limited Heavy Industry, etc.) District;
 - . "JJ" (Restricted Light Industrial) District;

- . "K"(Heavy Industry, etc.) District;
 - . "KK" (Restricted Heavy Industrial) District, and;
- (b) That the City Solicitor prepare, for Council's approval, an interim control by-law restricting billboard and third party signs in the Districts subject to the study.

At the same meeting of Council Section 16(e) regarding Bill C-18 for the enactment of a bylaw respecting the regulation of Billboards/Third Party Signs was referred back to the Planning and Development Committee. Attached hereto is a copy of Bill C-18.

attch.

A handwritten signature in black ink, appearing to be "M. H. S.", written in a cursive style.

cc. J. Pavelka, Chief Administrative Officer

The Corporation of the City of Hamilton

BY-LAW NO. 96-

Respecting:

THE REGULATION OF BILLBOARDS/THIRD PARTY SIGNS

WHEREAS subsection 38(1) of the Planning Act, R.S.O. 1990, Chapter P.13 provides that the council of a municipality may pass interim control by-laws to be in effect for a specified period of time not exceeding one year from the date of passing said by-law, and Section 38(2) of the said Act provides for the extension of the period of time during which said interim control may be in effect, provided the total period of time does not exceed two years from the date of passing the interim control by-law;

AND WHEREAS it is intended that such a review or study be undertaken as hereinafter set out;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this by-law,
 - (a) "Billboard" means a sign which does not have a permanent sign face and includes a poster, panel or a painted bulletin as well as any structure, panel, board or object designed exclusively to support such poster, panel, or painted bulletin.
 - (b) "Sign, Third Party" shall mean a sign that directs attention to,
 - (i) a business, service or entertainment that is conducted, sold or offered for sale or otherwise, elsewhere than on the premises;
 - (ii) one or more goods, wares or merchandise or any personal property.
2. It is hereby directed that a review or study be undertaken in respect of land use policies in the City relating to third party signs and billboards.
3. The use of land, buildings or structures within the City for the purpose of third party signs and billboards is hereby prohibited for a period of one year from the date of the passing of this by-law in the following zoning districts:
 - "G" (Neighbourhood Shopping Centre, etc.) District;
 - "G-1" (Designed Shopping Centre) District;
 - "G-2" (Regional Shopping Centres) District;

- "H" (Community Shopping and Commercial, etc.) District;
- "HH" (Restricted Community Shopping and Commercial) District;
- "I" (Central Business District, etc.) District;
- "HI" (Civic Centre Protected Districts) District;
- "J" (Light and Limited Heavy Industry, etc.) District;
- "JJ" (Restricted Light Industrial) District;
- "K" (Heavy Industry, etc.) District;
- "KK" (Restricted Heavy Industrial) District.

4. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of 1996

CITY CLERK

MAYOR

(1996) 5 R.P.D.C. , March 26
City Initiative

4.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 March 27

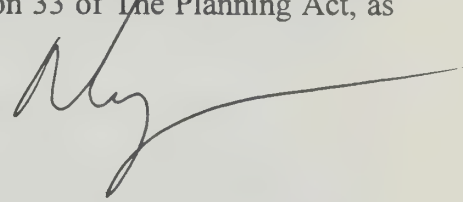
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
30 NORFOLK STREET NORTH - Tag Number 96067
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to deny the demolition permit for 30 Norfolk Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map W-45)

PRESENT USE: Single Family Dwelling

PROPOSED USE: (Vacant) Garden, lands to be used with 28 Norfolk Street North

DESCRIPTION: Please be advised of the following history of 28 Norfolk Street North, (the owner is Alberton Properties, Mark Cole).

June 16, 1994 - An Order to Comply was issued to the owner, Mark Cole, because construction commenced at 28 Norfolk Street North without the required building permit obtained prior to construction.

June 17, 1994 - A Stop Work Order was issued to the owner, Mark Cole, because the Order to Comply, dated June 16, 1994 to obtain the required building permit for the construction was not complied with.

August 11, 1994 - Permit issued BZ 94-1269, to erect a one storey addition to the existing 1 1/2 storey and to also erect a two storey addition to the rear of the building.

December 6, 1994 - Order To Comply issued because the construction that has commenced was not according to the approved plans by the Building Department. Revised plans were required to be submitted for approval.

December 13, 1994 - A Stop Work Order was issued to cease the construction due to the fact that the changes in construction were not approved by a Chief Official and no attempt was made by the owner to submit the new changes.

December 15, 1994 - Building Permit BZ 94-1269 issued August 11, 1994 was revoked because the information submitted was false\incorrect as per Section 8(10) of The Building Code Act, SO 1992, Chapter 23. Upon receipt of the building permit for the construction of a two storey building, the owner then proceeded to construct the original design of a three storey building that contained gable end roof and dormer windows. This addition was in contravention of the requirements of Zoning By-Law 6593. The building was built as was proposed in the initial application which was refused by the Building Department. It would appear that the owner had every intention to build a three storey building.

July 24, 1995 - A second permit was issued, with the revised changes BZ 95-1182, on the basis that the following condition were to be met: 1. The windows on the gable ends to be removed. 2. The larger dormers to be removed from the roof. 3. A letter to be submitted to the Building Department confirming that the owner understood and concurred that the attic space would be used for no purpose whatsoever.

As well a letter was required to be submitted from the owner that stated the property at 28 Norfolk Street North, would be used as a single family dwelling until such time that parking arrangements could be met to allow the proposed conversion to a two family dwelling under the regulations and requirements of Bill 120.

The plans submitted with the revised changes proposed additions that would increase the existing building from 1,000 sq. ft. to approximately 4,000 sq. ft. The drawing also indicated that once the additions were completed, the dwelling would contain 9 bedrooms, 3 studies/den, 2 living rooms, 1 kitchen, 6 washrooms and 7 other rooms (exercise room, play room, recreation room, etc).

Since all the requirements under the Ontario Building Code and Zoning By-Law 6593 were met, the permit was issued.

October 25, 1995 - Committee of Adjustment application A:95:227, granted a variance to permit the required parking space width and access driveway width to be reduced to allow the two parking spaces so that the dwelling could be converted to a two family dwelling under conversion of Bill 120. This decision was appealed and is now waiting to be heard at the Ontario Municipal Board. The owner has also added lands to 28 Norfolk Street North from 30 Norfolk Street North in order to provided the required driveway access width and parking requirements.

November 28, 1995 - A permit application (tag #95630) was submitted for the conversion of the existing single family dwelling to a two family dwelling under Bill 120. The permit to this date has still not been issued.

December 4, 1995 - A final inspection was done and the building was built according to the approved plans with the conditions stated above.

This property was identified as one of the "monster homes" in the monster home study undertaken by the Planning Department. Consequently, amending By-Laws 95-02 and 95-033 were passed. These by-laws were appealed to the Ontario Municipal Board but the appeal was dismissed due to the absenteeism of the appellant.

30 Norfolk Street North

The owner, Mark Cole, was previously denied a building permit for 30 Norfolk Street North, for conversion to a two family dwelling under Bill 120 . The plans submitted proposed a lodging house rather than a two family dwelling. The plans and application was returned to the owner, and the permit fee was refunded.

The owner of 30 Norfolk Street North, wishes to demolish the existing one and a half storey single family dwelling and leave the property vacant. The existing dwelling, according to the Building Departments site inspection, is in good condition and is structurally sound. Please see attached photographs.

The owner proposes, as per demolition application, to merge the lands at 28 Norfolk Street North and 30 Norfolk Street North into one lot. The owner intends to convert the existing single family dwelling at 28 Norfolk Street North to a two family dwelling under the requirements of Bill 120 and would not require the approval from the Ontario Municipal Board regarding the appeal of the variance for the parking situation (permit application tag# 95630).

Please be advised that the previous demolition application for 30 Norfolk Street North was denied by Council on December 12, 1995.

The owner of the property as per the demolition permit is:

Alberton Properties (Mark F. Cole)
127 Jackson Street West
Hamilton, Ontario L8P 1L6

NJND/zr

TO BE DISCUSSED UNDER OTHER
BUSINESS

CITY OF HAMILTON

- INFORMATION -

DISTRIBUTED FOR INFORMATION
TO THE PLANNING AND
DEVELOPMENT COMMITTEE. +

P. M. Johnson, V. Rasmussen, L. King

1996 March 28 T. Agnello

DATE SIGNATURE

sent March 28/96 (23)

DATE: 1996 March 28

REPORT TO: Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: OMB Fees for Appeals to Zoning By-laws Under the
New Planning Act

BACKGROUND:

A New Planning Act was passed in 1995 which states in Section 34(19) as follows:

- (19) Any person or public body may, not later than 20 days after the day that the giving of written notice as required by subsection (18) is completed, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the reasons in support of the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act, 1994, s.23, s.21(8).

The Ontario Municipal Board has recently advised that subject to the New Planning Act they will not be accepting cheques for processing appeals to By-laws from Municipalities and that they must be submitted by the appellants.

Under the Ontario Municipal Board Act, the fee to accompany the objection is \$125. This amount is to be paid by each appellant. As such, for example, if there are two individual appeals \$250. will be submitted to the OMB and if there are ten appeals \$1250. will be submitted to the OMB.

It has been the past practice of the Municipality to pay the fee which accompanies appeals to the Ontario Municipal Board. The fee was previously \$125. for the entire appeal package regardless of how many appeals were submitted against the zoning by-law.

All applications submitted to the Municipality prior to the enactment of the legislation

were processed under the old procedure whereby the City paid for the appeal processing fee of \$125.

Since the new legislation is now in effect, Form 1 and Form 1A which comprise the notice for the passing of the by-law have been modified to include a clause which states that to be considered complete an appeal or objection requires a letter setting out the reasons for the objection accompanied by the prescribed fee of \$125.

T. M. M.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Less money will be expended by the Municipality. Based on approximately 10 to 15 appeals per year and multiple appellants for some applications, the cost savings are approximated at \$3,000.

TA:br

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 April 3

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the Meeting held 1996 March 20

B. DIRECTOR OF PROPERTY

Release of Building Covenants
City of Hamilton Sale to Angelo Salicciola
5 Goderich Road, Kenora Industrial Park

C. BUILDING COMMISSIONER

173 Park Row North - Demolition

D. DIRECTOR OF PLANNING AND DEVELOPMENT

- a) Authorization for Staff Attendance at an Ontario Municipal Board Hearing for property located at 999 Upper James Street (A-95-294)
- b) Authorization for Staff Attendance at Ontario Municipal Board Hearings for 144 Highridge Avenue and 86 Dodson Street
- c) Site Plan Control Application DA-95-23 for lands located at 1445 Main Street West for use as a gas bar, carwash, convenience store and drive-through restaurant
- d) Proposed Draft Plan of Condominium by Meroc Developments (In Trust) - 97 and 101 Connaught Avenue South, Stipeley Neighbourhood

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Planning and Development Committee met.

There were present:

Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman Wm. McCulloch
Alderman G. Copps
Alderman F. Eisenberger
Alderman B. Charters
Alderman M. Caplan

Regrets:

Mayor Robert M. Morrow - Civic Business
Alderman H. Merling

Also Present:

Alderman D. Wilson
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Ann Gillespie, Planning Department
John Sakala, Planning Department
Eugene Chajka, Roads Department
Art Zuidema, Law Department
Peter Lampman, Building Department
Don Inglis, Building Department
Roland Karl, Public Works & Traffic Department
Tina Agnello, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **Zoning Application 95-33, by Jorge Rodriguez, owner, for a change and modification in zoning for lands located at 832 Upper Wentworth Street, on the following basis: Block "1" - from "AA" District to "C" District, modified; Block "2" - for a modification to the "C" District.**

Mr. Rodriguez, the applicant, was present.

A submission was received by Mr. and Mrs. B. Picken of 101 Fieldway Drive, Hamilton.

Paul Mallard explained that the application is for commercial residential conversion. There have been three previous applications. The proposal is consistent with other previous approvals in the area. The applicant requires six parking spaces but this is being reduced to five. Landscaping and buffering is required. A holding by-law will be in effect, to be lifted when the site plan is approved.

Of 208 notices circulated, 18 replied in favour and 0 were opposed.

In response to a question from Alderman Copps, Paul Mallard advised that there is a hearing aid office to be located at this site, but it is specifically mentioned in the by-law and cannot be changed to another medical office. Alderman Copps questioned how we will know if other medical offices appear there, to which, Mr. Mallard advised that this is usually by a complaint basis. Paul Mallard added that parking for medical is based on square footage and if medical increases it is difficult to control the amount of parking spaces.

As recommended in the report from the Director of Planning and Development dated 1996 March 11, the Committee recommended to Council as follows:

- (a) That approval be given to Zoning Application ZAC-95-33, Jorge Rodriguez, owner, requesting a change in zoning from "AA" (Agricultural)

District to "C" (Urban Protected Residential, etc.) District modified, (Block "1") and for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "2"), to convert the existing single family dwelling to a medical office and a dwelling unit, for the property located at 832 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A" on the following basis:

- (i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District - Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

- (ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;
- (iii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;
- (iv) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, shown as Blocks "1" and "2", be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 9(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (a) a hearing aid dispensing office on the first floor of the existing building having a maximum gross floor area of 95 m² (1000 feet²);
 - (b) one dwelling unit in the basement of the existing building;
 - (c) an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
 - (2) That a minimum 3.0 m wide landscape planting strip, and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the westerly lot line of Block "2";
 - (3) That a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the northerly lot line of Blocks "1" and "2";
 - (4) That a minimum 3.0 m wide landscape planting strip shall be provided and maintained along the easterly lot line of Block "1" except for any area used for vehicular access;

- (5) That notwithstanding Section 18A(1), of By-law No. 6593 not less than five (5) parking spaces shall be provided and maintained on the subject lands;
- (6) Section 18A(14) of Zoning By-law No. 6593 shall not apply; and,
- (7) Section 18A(26) of Zoning By-law No. 6593 shall not apply.
- (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1355, and that the subject lands on Zoning District Map E-18 be notated S-1355;
- (vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to Council; and,
- (vii) That the proposed changes and modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That Site Plan Control By-law No. 79-275, as amended, by By-law 87-233, be amended by adding the subject lands to Schedule "A".

2. **Zoning Application 96-02, by E.L. Richter, for a modification to the established "JJ" District regulations for lands located at 244 Lake Avenue North.**

The applicant was present and in support of the application.

Paul Mallard advised that there is an amendment to Section (b) of the recommendation to delete the clause with regard to commercial boulevard leasing agreement.

As recommended by the Director of Planning and Development in the report dated 1996 March 14, the Committee recommended to Council the following recommendation as amended as follows:

- (a) That approval be given to Zoning Application 96-02, E.L. RICHTER, owner, for a modification to the established "JJ" (Restricted Light Industrial) District regulations, to permit use of the existing building and proposed addition for a warehouse, showroom and office space for a central mail order business and retail outlet for industrial and agricultural parts, equipment, accessories and related products, for lands located at No. 244 Lake Avenue North, as shown on the attached map marked as APPENDIX "B", on the following basis:
 - (i) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 16A(1), a central mail order business with showroom and office and a retail outlet for industrial and agricultural parts, equipment, accessories and related products, shall be permitted;
 - (2) That Section 16A(3)(c) shall not apply; and,

- (3) That a minimum 1.5 m high chain link fence shall be provided and maintained along the northerly 38.5 m of the easterly rear lot line;
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1354, and that the subject lands on Zoning District Map E-113 be notated S-1354;
 - (iii) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council; and,
 - (iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by Council until such time as the applicant has fulfilled the following conditions:
- (i) That the applicant shall remove all pavement from the approximately 12 m (40 ft.) of City owned lands, immediately east of the subject lands, and that no fill material, or other debris, be deposited over the top of the ravine, to the satisfaction of the Director of Property; and,
 - (ii) That prior to removal of the pavement, the applicant submit a plan to provide for revegetation of the disturbed areas with natural plant material, satisfactory to the Director of Planning and Development, and that the revegetation plan be implemented, immediately following removal of the pavement, to the satisfaction of the Director of Property and the Director of Planning and Development.

OR

- (iii) That the applicant enter into an agreement with the City of Hamilton, including securities if deemed necessary, to the satisfaction of the Director of Property, City Solicitor, and the Director of Planning and Development, to provide for removal of all pavement from the approximately 12 m (40 ft.) of City owned lands to the east of the subject lands; and that no fill material, or other debris, be deposited over the top of the ravine; and to provide for revegetation of the disturbed areas with natural plant material immediately following removal of the pavement.

3. **DIRECTOR OF PLANNING AND DEVELOPMENT**

- (A) **Proposed Draft Plan of Subdivision (SAC-94-03/Regional File 25T-94005(R)), by Urbex Engineering Ltd. on behalf of Sthermal Developments Inc., owner, for lands located south of Rymal Road East and west of the proposed extension of Upper Sherman Avenue, Chappel East Neighbourhood.**

In response to a question from Alderman Copps, Mr. Chajka stated that the development must wait until the sewers are available.

As recommended in the report from the Director of Planning and Development dated 1996 March 11, the Committee recommended to Council as follows:

- (a) That approval be given to amended Subdivision Application 94-03 (Regional File No. 25T-94005(R)), by Urbex Engineering Ltd., on behalf of Sermal Developments Inc., owner, for approval of a draft plan of subdivision - "Sermal Estates", on lands located south of Rymal Road East and west of the proposed extension of Upper Sherman Avenue, in the Chappel East Neighbourhood, as shown on the attached map marked as APPENDIX "C", subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and certified by J.P. Woolley, O.L.S., dated August 10, 1995, showing 159 lots for single family dwellings, a townhouse block, a block for future commercial uses and 3 blocks to be developed with lands to the east for single family dwellings, 9 blocks for 0.30 m reserves and 5 local streets and the extension of Upper Sherman Avenue, as shown on APPENDIX "D".
 - (ii) That no portion of the subject lands be developed until such time that storm and sanitary sewer outlets are available to service these lands directly.
 - (iii) That the owner satisfy all engineering and financial requirements of the City of Hamilton prior to the development of any portion of the subject lands.
 - (iv) That the streets be established to their full width by certificate on the final plan and that Blocks 166, 167, 168, 169, 170, 171, 172, 173 and 174, being 0.30 metre reserves, be transferred to the City of Hamilton.
 - (v) That 2m X 2m day-lite triangles be established on all L-shaped streets on the Final Plan.
 - (vi) That the centreline of the extension of the road allowance for Upper Sherman Avenue south of Rymal Road East align with the centreline of the original road allowance of Upper Sherman Avenue north of Rymal Road East.
 - (vii) That the first phase of development must include the construction of Upper Sherman Avenue from Rymal Road East southerly to the satisfaction of the Commissioner of Transportation/Environmental Services.
 - (viii) That the alignment of the extension of Upper Sherman Avenue meet all standards and requirements of the Regional Roads Department, Ontario Hydro, TransCanada Pipeline and the Township of Glanbrook.
 - (ix) That the owner provide the City of Hamilton with written confirmation from Ontario Hydro and TransCanada Pipelines that the extension of Upper Sherman Avenue, southerly through the Hydro Corridor will not require the relocation of the Hydro Towers or any related gas pipeline facility.

- (x) That the Owner provide written confirmation from Ontario Hydro that the proposed extension of Upper Sherman Avenue conforms to all of Ontario Hydro's requirements with respect to road set backs from the existing Hydro Towers, etc., and that the alignment of the Upper Sherman Avenue extension through the Hydro Corridor into the Township of Glanbrook is to the satisfaction of Ontario Hydro.
- (xi) That the owner provide a temporary turning circle at the southern limit of Upper Sherman Avenue within the limits of this plan of subdivision, or secure the necessary lands to the south so as to provide a temporary turning circle outside the plan of subdivision to the satisfaction of the Commissioner of Transportation/Environmental Services.
- (xii) That the owner, in the case where the temporary turning circle at the southern limit of Upper Sherman Avenue cannot be accommodated within the road allowance, and lots are affected by the creation of the temporary turning circle, agree to declare the affected lots unsuitable for building until such time as required by the Commissioner of Transportation/Environmental Services or the temporary turning circle is no longer required and Upper Sherman Avenue is extended southerly.
- (xiii) That the Owner dedicate Block 165 for the widening of Rymal Road East to the Region of Hamilton-Wentworth prior to registration of the Final Plan.
- (xiv) That the owner dedicate to the Region of Hamilton-Wentworth a 0.30 metre reserve, shown as Block 166 along Rymal Road East. This reserve can be lifted after the owner has applied for and received site plan approval for the development of Block 161 for commercial uses.
- (xv) That the owner dedicate to the Region of Hamilton-Wentworth a 0.30 metre reserve, shown as Block 167 along Upper Sherman Avenue and Street "A". This reserve can be lifted after the owner has applied for and received site plan approval for the development of Block 160 for residential uses.
- (xvi) That Street "A" be established and constructed to its full width prior to the development of Lots 63 to 70 inclusive.
- (xvii) That Street "A" be established to its full width from Upper Sherman Avenue to the west limits of Street "B" prior to the development of all lots fronting on Street "B", Street "D", Court "G" and the east-west portion of Street "C" between Street "B" and the south-easterly limits of Street "E".
- (xviii) That the frontages outside the "day-lite triangles" for Lots 9 and 92 adjacent to the extension of Upper Sherman Avenue be a minimum of 3.5 metres in width and that the accesses to these lots must be located outside the daylight triangles at this intersection.

- (xix) That, on a temporary basis, the maximum number of residential units proposed on this and/or any abutting development plan, to be serviced by a single road access (eg dead end street), will not exceed 100 units.
- (xx) That Lots 32, 33, 34 and 35 not be registered until such time the Commissioner of Transportation/Environmental Services has advised the Director of Planning as to the need to extend Street "E" to provide access to the adjacent lands to the west owned by Ontario Hydro.
- (xxi) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:
 - (1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures, including remedial measures taken, after each rainfall to the satisfaction of the Senior Director, Roads Department;
 - (3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.
- (xxii) That the final plan conform with the applicable provisions of the "RT-20" (Townhouse - Maisonette) District (Block 160), "C" (Urban Protected Residential, etc.) District (Lots 1-9, 15-20, 30-56, 80-92, 99-107, and 123-137 inclusive), and "R-4" (Small Lot Single - Family Dwelling) District (Lots 10-14, 21-29, 57-79, 93-98, 108-122 and 138-159 inclusive) in the City of Hamilton Zoning By-law No. 6593.
- (xxiii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan.
- (xxiv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act.

- (xxv) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton.
- (xxvi) That the streets be named to the satisfaction of the City of Hamilton.
- (xxvii) That the streets be dedicated to the City of Hamilton as public highways in the final plan.
- (xxviii) That the owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.
- (xxix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (xxx) That Blocks 162, 163 and 164, on the red-line revised plan, must be developed in conjunction with adjacent lands.
- (xxxi) That the Owner be required to retain the services of a Professional Engineer to conduct an Environmental Assessment Study for the implementation of the extension of Upper Sherman Avenue, south of Rymal Road East in order to provide access to the lands of Shermal Estates, and that said study address the following:
 - (1) The interim and ultimate width of the travelled portion of Upper Sherman Avenue and the extent of lands required for road right-of-way purposes;
 - (2) The interim and ultimate width of the travelled portion of the intersection of Rymal Road East and the extension of Upper Sherman Avenue and the extent of lands required for road right-of-way purposes;
 - (3) The interim and ultimate size of day-lighting triangles for road right-of-way purposes at the intersection of Rymal Road East and the southerly extension of Upper Sherman Avenue; and,
 - (4) Any other requirements deemed necessary by the Commissioner of Transportation/Environmental Services.
- (xxxii) That the owner implement the recommendations of the Environmental Assessment Study to the satisfaction of the Commissioner of Transportation/Environmental Services.
- (xxxiii) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands.
- (xxxiv) That the owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) Billboards/Third Party Signs.

Paul Mallard advised that if the recommendation is passed, the Public Meeting will be held in one month.

Peter Lampman advised that twelve applications have been received for billboards in the past week.

In response to a question, Mr. Mallard advised that if the Committee and Council wants to stop further applications, the only option is to pass an Interim Control By-law. He cautioned that once an Interim Control By-law is passed another one cannot be imposed for the same area for a period of 3 years.

Alderman Caplan felt that an Interim Control By-law gives a competitive advantage to those who presently have signs.

Alderman Charters concurred and stated that it would be over-reacting to pass an Interim Control By-law.

Alderman Copps and Alderman Eisenberger felt that the issue is of an importance to cause an Interim Control By-law to be passed. Otherwise, the signage will get out of control and will make the City look unsightly.

The Committee adjourned into closed session to discuss legal matters and reconvened immediately thereafter, with the following report:

- (a) That staff be directed to undertake a review and study respecting land use policies in the City relating to third party signs and billboards in the following zoning districts:

- . "G" (Neighbourhood Shopping Centre, etc.) District;
- . "G-1" (Designed Shopping Centre) District;
- . "G-2" (Regional Shopping Centres) District;
- . "H" (Community Shopping and Commercial, etc.) District;
- . "HH" (Restricted Community Shopping and Commercial) District;
- . "I" (Central Business District, etc.) District;
- . "HI" (Civic Centre Protected Districts) District;
- . "J" (Light and Limited Heavy Industry, etc.) District;
- . "JJ" (Restricted Light Industrial) District;
- . "K"(Heavy Industry, etc.) District;
- . "KK" (Restricted Heavy Industrial) District, and;

- (b) That the City Solicitor prepare, for Council's approval, an interim control by-law restricting billboard and third party signs in the Districts subject to the study.

- (c) Site Plan Control Application DA-95-33, for 775 to 779 Upper Wentworth Street.(copy to follow)

As recommended in the report dated 1996 March 15, the Committee recommended to Council as follows:

- (a) That approval be given to Site Plan Control Application DA-95-33 by Elite Realty Corporation, prospective owner of lands at 775 and 779 Upper Wentworth Street, as shown on the attached map marked as Appendix "E", for a commercial development subject to the following:
- (i) modification to the plans related to dimensions, notes, and driveway access ramps, as marked in red on the plans;
 - (ii) modification to the Landscape Plan to include proposed buffer plantings along the easterly property line, and landscape plantings on the adjacent lands to the east with the consent of the property owner;
 - (iii) submission of a revised grading plan to the satisfaction of the Manager of Development, Roads Department;

and further;

- (b) That in regard to Zoning Application ZAC-95-18, the following resolution be forwarded to City Council for approval;

That Item 3 of the Twelfth Report of the Planning and Development Committee to City Council on 1995 October 10, respecting Zoning Application ZAC-95-18 by Elite Realty Corporation, prospective owner, for lands at 775 and 779 Upper Wentworth Street, be amended by adding the following:

3.(b)(ii) 2.

- (i) Notwithstanding the provisions of Section 18A (1)(d) and Table 4, one (1) loading space having minimum dimensions of 9.0m x 3.7m shall be provided and maintained on the lot.
- (ii) Notwithstanding the provisions of Section 18A (11)(a) of Zoning By-law 6593, a planting strip shall not be required along the northerly boundary.
- (iii) Notwithstanding the provisions of Section 18A (12)(c) of Zoning By-law 6593, a chain link fence not less than 1.2m in height and not greater than 2.0m in height, shall be provided and maintained along the northerly boundary and within the easterly boundary planting strip.
- (iv) Notwithstanding the provisions of Section 18A (26) of Zoning By-law 6593, the access driveway must be at least 1.5m from the east property line.

4. BUILDING COMMISSIONER216 Burlington Street East - Demolition under the Planning Act

As recommended in the report dated 1996 March 5, the Committee recommended to Council as follows:

- (a) That the Building Commissioner be authorized to call tenders and subsequently proceed to have the building located at 216 Burlington Street East demolished to bring the subject property into compliance with City of Hamilton Property Standards By-Law 94-185 and as authorized under The Planning Act, 1990 Subsection 20, Section 31 and specifically to do the work required to comply with the Final and Binding Order; and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for 216 Burlington Street East in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended; and,
- (c) That the appropriate by-law be enacted by Council.

5. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEECustom House/Ontario Workers' Arts and Heritage Centre - Heritage Permit

As recommended in a report dated 1996 March 12, the Committee recommended to Council as follows:

That a Heritage Permit be approved for the following alterations to the Custom House/Ontario Workers' Arts and Heritage Centre, a designated building located at 51 Stuart Street, Hamilton:

Exterior Alterations:

- (a) Blocking up the four east basement windows on the north facade to be covered with a stucco finish, providing the original windows are kept in place and protected against deterioration; and,
- (b) Installing a barrier-free ramp on the east facade, as specified in the revised sketch dated 1996 March 7 as prepared by McCallum Mokrycke Sather Architects; and,
- (c) Stones for gates, parapet, chimneys, etc., which are to be stockpiled, to be stored on site; and,

Interior Alterations:

- (a) Installing clear span beams in the exhibition area (24'0"), including the removal of the existing piers (not original); cutting new beam pockets into the existing walls; recessing structural supports within the wall and restoring the lath and plaster finish to match the original interior wall; and,
- (b) Installing new vestibule double doors at the east end of the ground floor corridor, to be of clear glass and frameless, if possible; and,
- (c) Removing and reassembling window surrounds and replacing the stained glass (not original) with reconstructed arched windows.

6. CONSENT AGENDAA. ADOPTION OF THE MINUTESMinutes of the Meeting held 1996 March 6

The minutes of the meeting held 1996 March 6 were adopted as amended to include Item 4 with regard to Site Plan DA-95-31.

The Committee recommended to Council various recommendation as follows:

B. SENIOR DIRECTOR, ROADS DEPARTMENT"Ridgeview Estates - Phase 3", Cash in lieu of 5% Parkland Dedication - dated 1996 February 28

- (a) That Item 4 of the Planning and Development Committee Report 14-89, approved by Council on 1989 May 30, regarding the approval of the sum of \$7,000.00 representing the cash payment in lieu of 5% parkland dedication for "Ridgeview Estates - Phase 3" be deleted.
- (b) That the City of Hamilton accept the sum of \$16,100.00 as a cash payment in lieu of the 5% land dedication in connection with "Ridgeview Estates Phase 3, Hamilton, being the cash payment required under Section 51 of the Planning Act.

C. BUILDING COMMISSIONER

- (a) Commercial Property Improvement Loan Program (CPILP)
422 Barton Street East - dated 1996 March 5

- (i)
 - (1) That a secured loan in the amount of twenty-five thousand dollars (\$25,000.) to Marco and Fernando Tollis, c.o.b. as Riviera Banquet Centre Inc., for improvements to 422 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3 1/2 per cent, amortized over 10 years, and;
 - (2) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500.) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program, and;
 - (ii)
 - (1) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000.) to Marco and Fernando Tollis, c.o.b. as Riviera Banquet Centre for exterior storefront improvements to 422 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3 1/2 per cent, amortized over 10 years, and;
 - (2) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500.) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) 45 Dalhousie Avenue - Hamilton Emergency Loan Program - 1996 March 1

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, eight hundred and seventy three dollars (\$1,873.) be approved for Olga Bashnuk, 45 Dalhousie Avenue. The interest rate will be 8 per cent amortized over 5 years.

(c) 576 Burlington Street East - Demolition - dated 1996 March 8

That the Building Commissioner be authorized to issue a demolition permit for 576 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(d) 499 Scenic Drive - Demolition - dated 1996 March 8

That the Building Commissioner be authorized to issue a demolition permit for 499 Scenic Drive in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

Proposed Draft Plan of Condominium by Roy Megna (In Trust) - 174 Herkimer Street, Durand Neighbourhood. - dated 1996 March 7

- (a) That approval be granted to application CDM-CONV-95-001 submitted by Roy Megna (In Trust), owner, for a draft plan of condominium located at 174 Herkimer Street to provide for a condominium comprised of a 5 storey apartment building containing 19 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated March 25, 1995 prepared by Consoli & Jacobs Surveying Ltd.;
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;
 - (iii) That prior to approval of the final plan,
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593 namely the number and actual dimensions of parking spaces, manoeuvring spaces, access driveway and the angle of the parking spaces.
 - (iv) That the owner shall have satisfied one of the following requirements in regard to the parking space(s) located within the road allowance of Herkimer Street:

- (1) that the owner enter into Boulevard Parking Agreement with the City of Hamilton to the satisfaction of the Director of Public Works and Traffic, or
 - (2) that the owner remove the existing paving and restore the road allowance to a landscaped condition.
 - (v) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-001);
 - (vi) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - (vii) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
- (b) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee acknowledged receipt for information purposes the following items which were forwarded to the members of the Committee under separate cover.

- (a) Secretary, LACAC re: Minutes of the meeting held 1996 February 26.
- (b) Director of Planning and Development re: Official Plan Review - Public Outreach Program, dated 1996 March 14.

7. PRIVATE AND CONFIDENTIAL AGENDA

As recommended in a report from the City Solicitor dated 1996 March 18 the Committee recommended to Council as follows:

- (a) That the City attempt to obtain the consent of the Hamilton Harbour Commissioners for an adjournment of the Ontario Municipal Board Hearing scheduled to commence on 1996, June 17;
- (b) That in the event that the Hamilton Harbour Commissioners will not consent to an adjournment, the City request the Ontario Municipal Board by motion to adjourn the June hearing at the next prehearing conference on 1996, April 9; and
- (c) That in the event the Ontario Municipal Board does not grant an adjournment of the hearing, the City appeal that decision of the Board.

8. OTHER BUSINESS

Alderman Wilson advised that the O.M.B. is hearing an appeal to a Committee of Adjustment decision regarding 121 Ivon Avenue, which has been appealed by the neighbourhood residents. As the applicant has changed his application, he felt that City staff should not be supporting the changed application.

1996 March 20

Art Zuidema added that the Law Department has conducted a site visit and had concerns with regard to parking and crowding and now the applicant has applied for other variances.

Following discussion, the Committee concurred with Alderman Wilson and recommended to Council as follows:

That Item 2 of the SIXTH report of the Planning and Development Committee to Council for 1995 regarding authorization for staff attendance at an OMB Hearing regarding a Committee of Adjustment decision for property located at 121 Ivon Avenue be rescinded in part respecting 121 Ivon Avenue only.

9. ADJOURNMENT

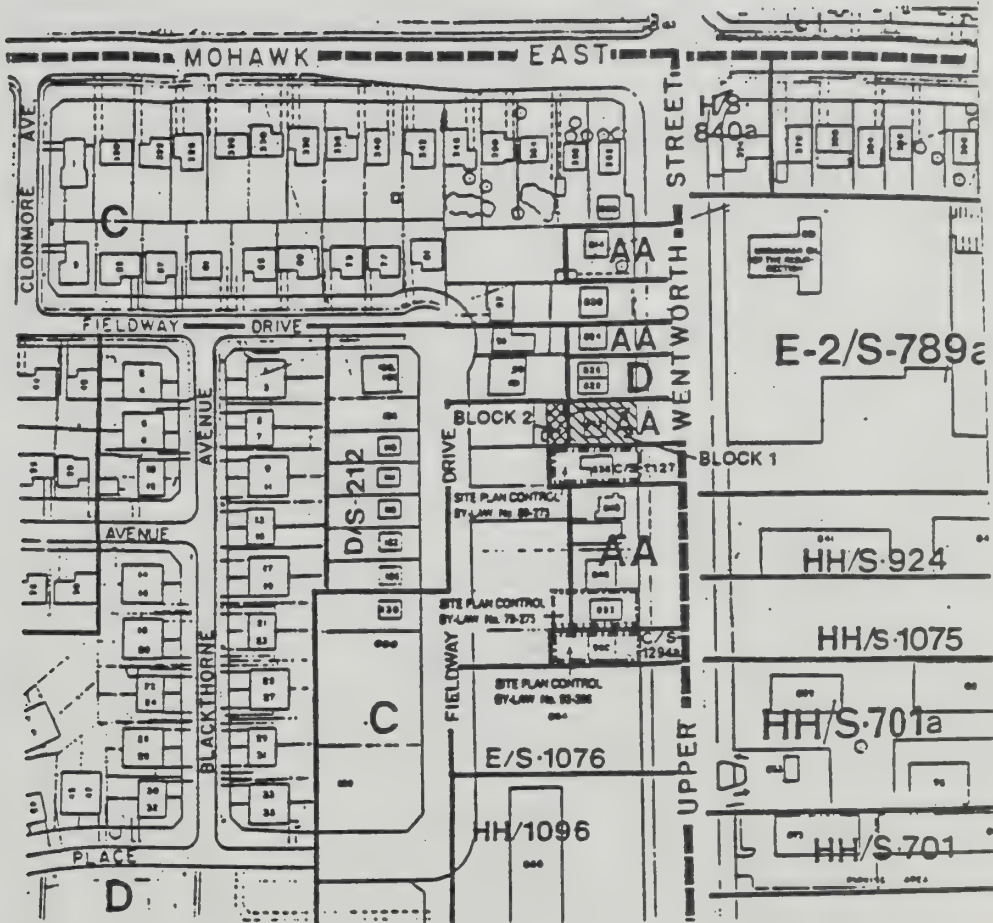
There being no further business, the Committee meeting adjourned.

Taken as read and approved.

**Alderman Don Drury, Chairperson
Planning and Development Committee**



**Tina Agnello
Secretary
/br**

Appendix "A" as referred to in
 Section 1. (a) of the Planning and
 Development Committee Minutes
 dated 1996 March 20



Legend

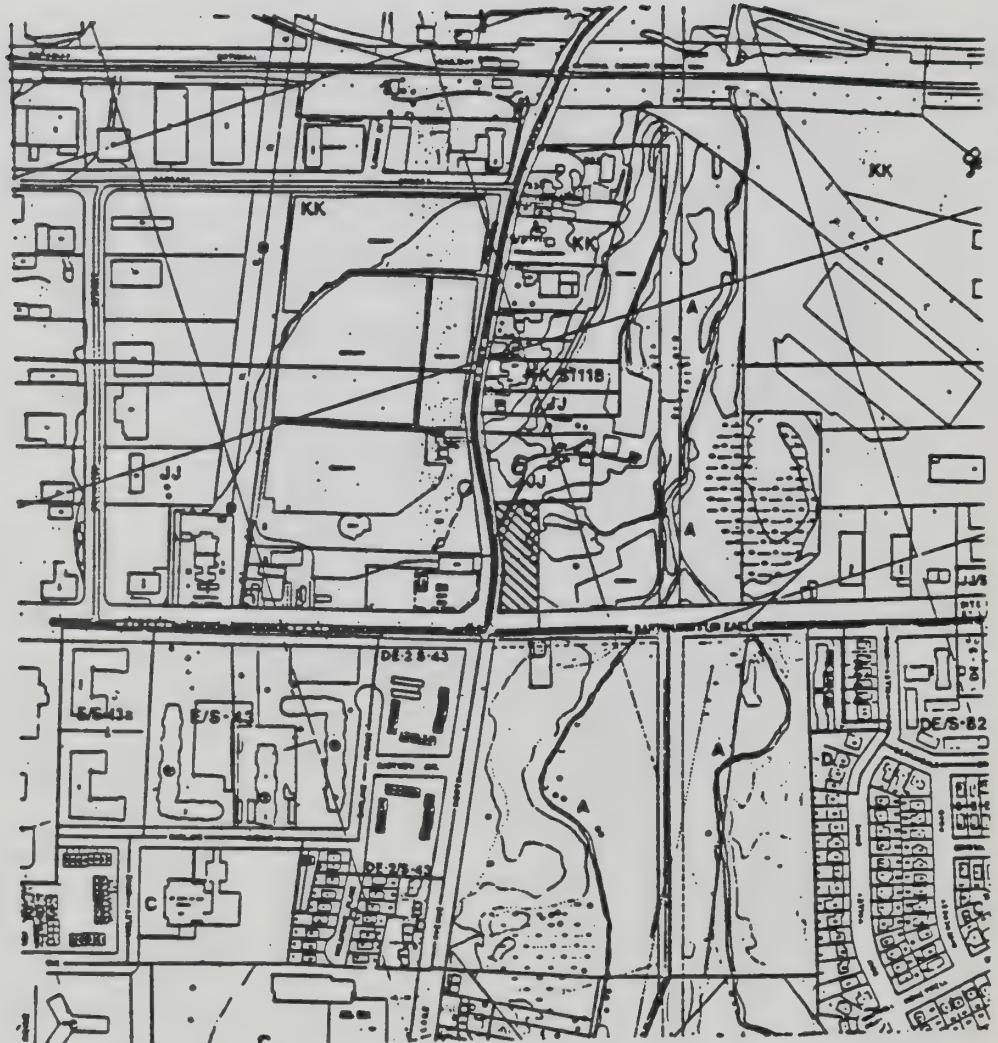
Proposed changes in zoning:

- BLOCK 1**  From "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District, Modified.
- BLOCK 2**  From "C" (Urban Protected Residential, etc.) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District, Modified.



APPENDIX "A"

Appendix "B" as referred to in
Section 2. (a) of the Planning and
Development Committee Minutes
dated 1996 March 20

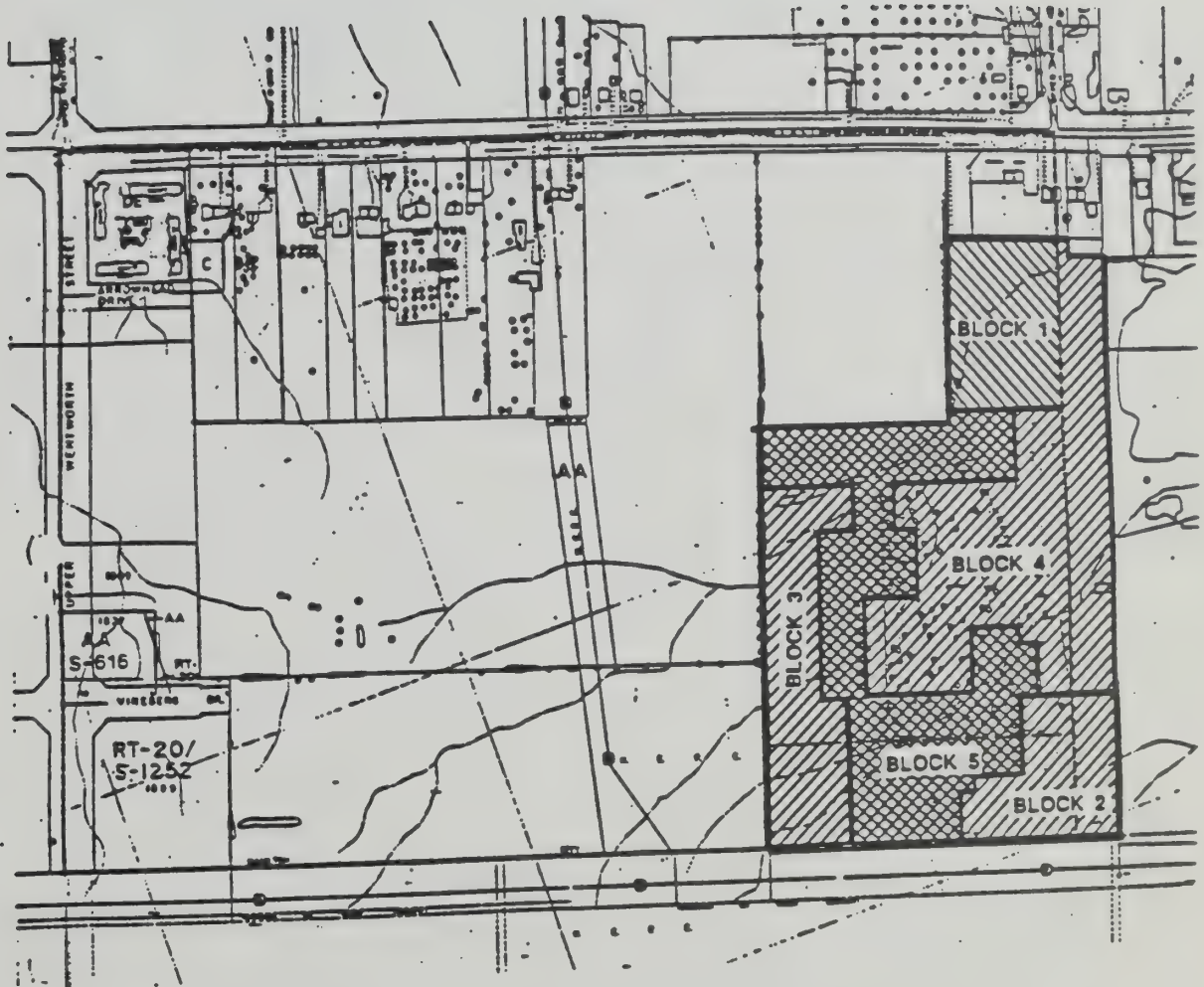


Legend






Site of the Application

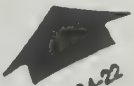
ZAR-96-02

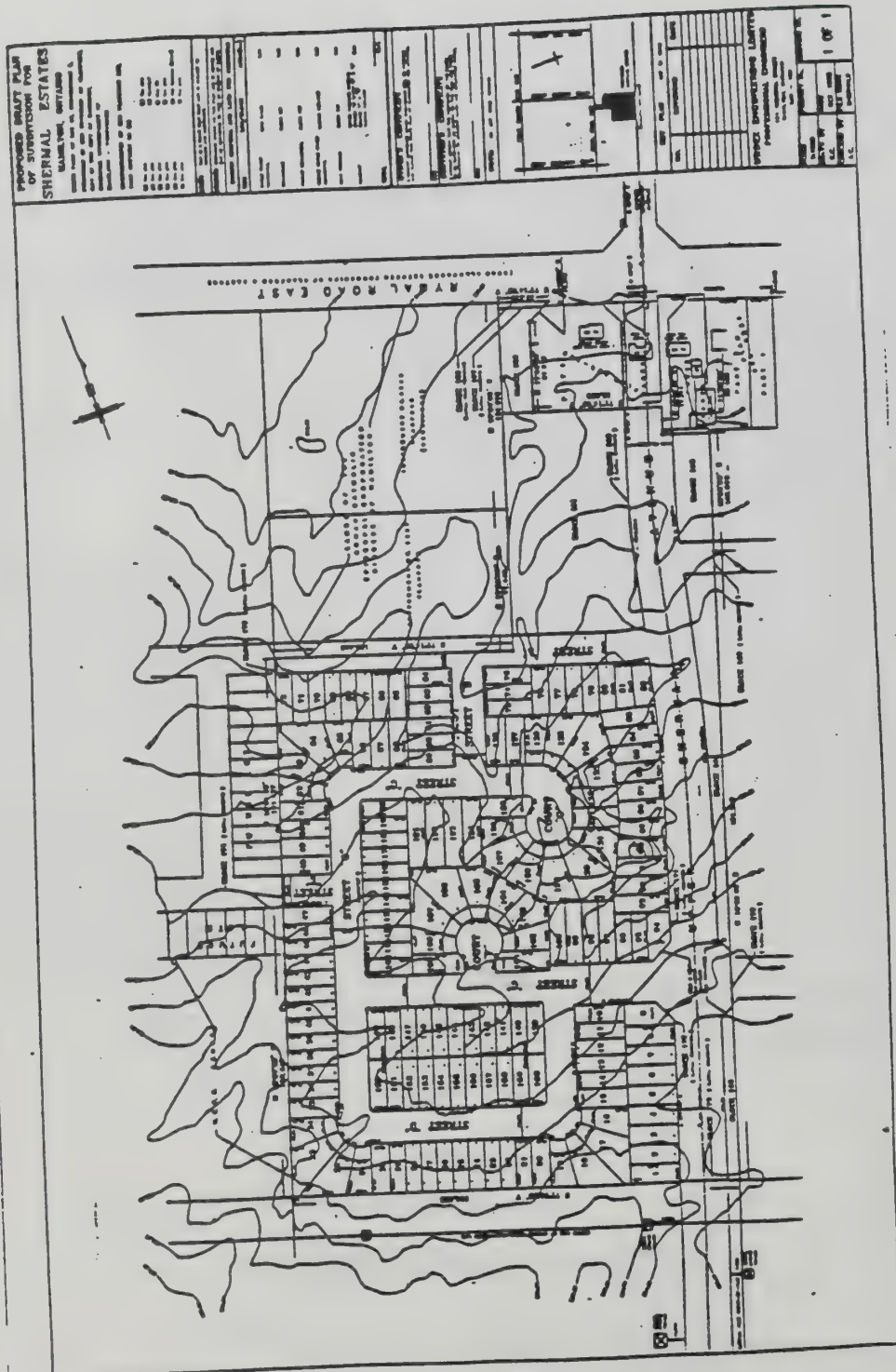


Legend

Proposed change in zoning from "AA" (Agricultural) District to :

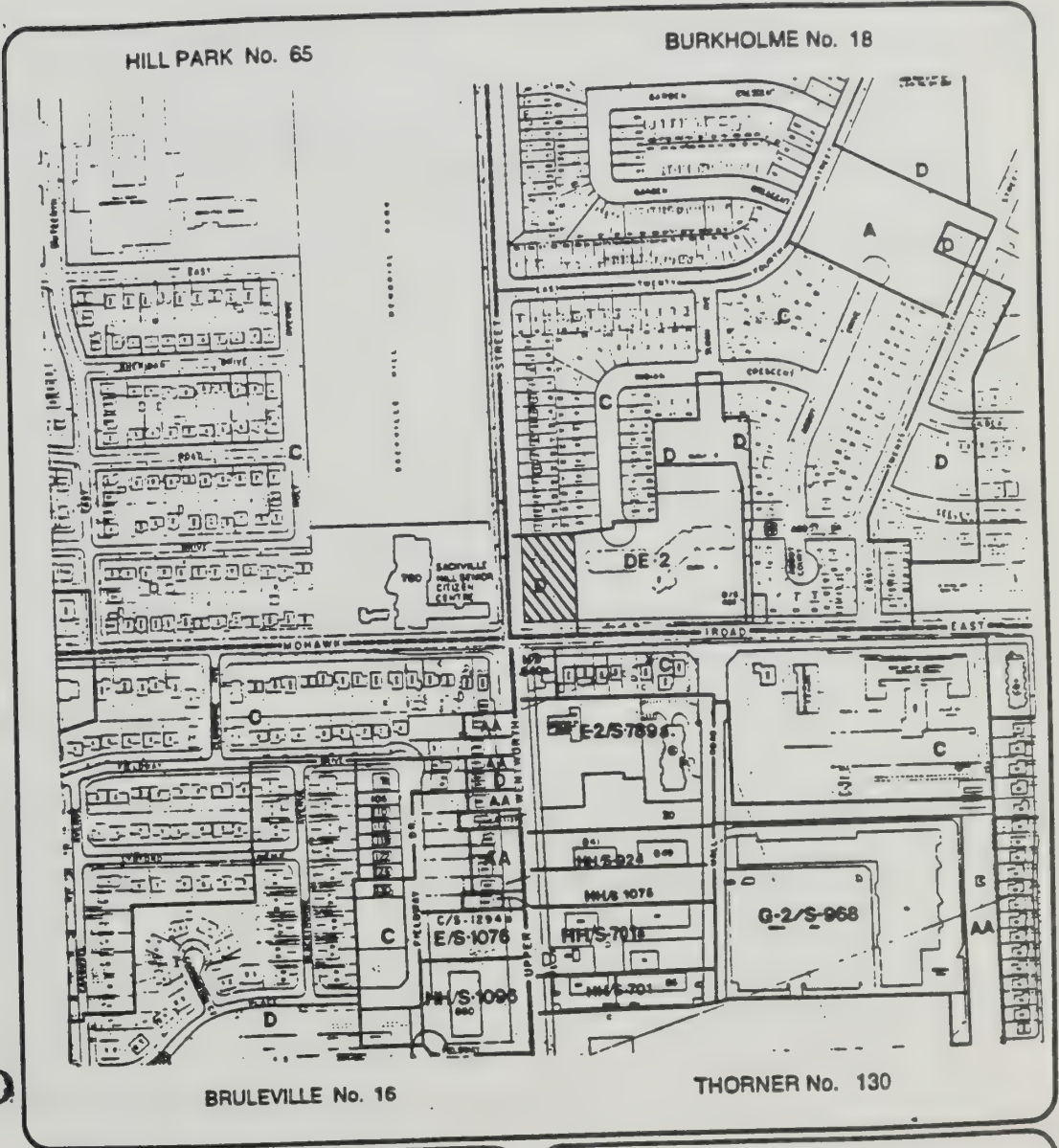
- | | | |
|------------------|---|---|
| BLOCK 1 |  | "RT-20" (Townhouse - Maisonette) District. |
| BLOCKS 2,3 and 4 |  | "C" (Urban Protected Residential, etc.) District |
| BLOCK 5 |  | "R-4" (Small Lot Single-Family Dwellings) District. |


ZAC-94-22



Schematic red-line revised Draft Plan
 showing road and lotting pattern

Appendix "E" as referred to in
 Section 3. (c) (a) of the Planning and
 Development Committee Minutes
 dated 1996 March 20




City of Hamilton

Plan Showing Lands Subject to

Site Plan Control

Application DA-95-33

Planning and Development Department



North

Scale

Not to Scale

Date


DECEMBER 1995

Reference File No.

DA-95-33

Drawn By

R.L.



Site of the Application

B.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 March 26

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

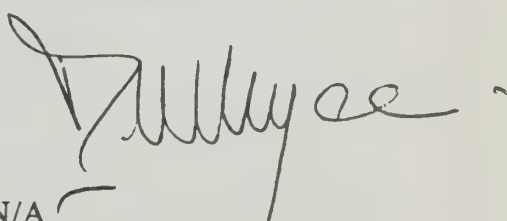
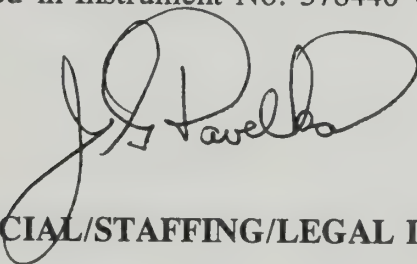
FROM: J. G. Pavelka, P. Eng.
Chief Administrative Officer

D. W. Vyce
Director of Property

SUBJECT: Release of Building Covenants
City of Hamilton Sale to Angelo Salcicciola
Parts 1 and 2, Plan 62R-7820
5 Goderich Road, Kenora Industrial park
Building Covenants Registered as Instrument No. 378440 C.D.

RECOMMENDATION:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 5 Goderich Road from the building covenants to the City of Hamilton as contained in Instrument No. 378440 C.D. registered on 1996 September 5.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

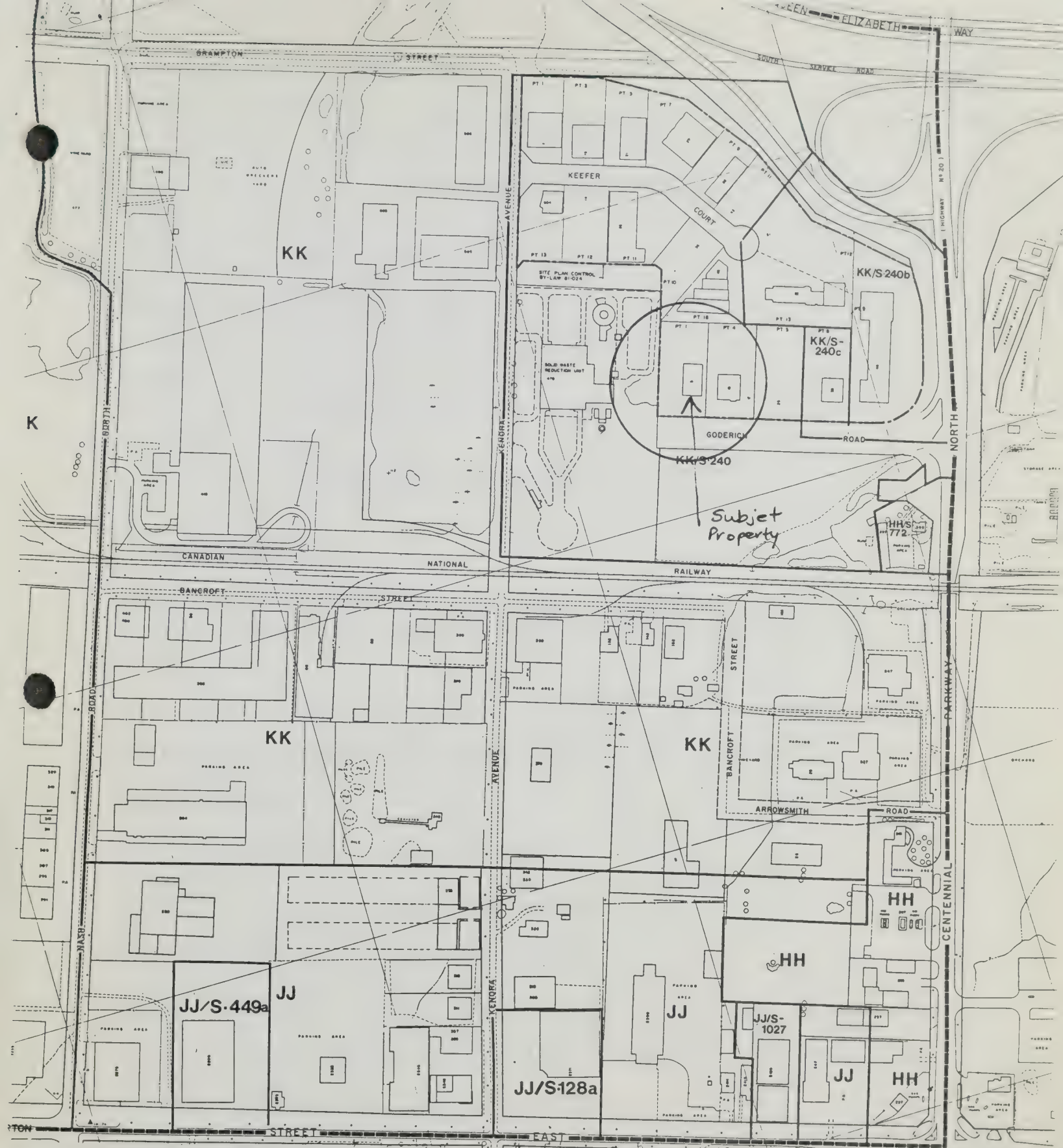
In adopting Item 10 of the 13th Report of the Planning and Development Committee, City Council on 1986 June 24, approved the sale of Parts 1 and 2, Plan 62R-7820 (5 Goderich Road), Kenora Industrial Park to Angelo Salcicciola.

This transaction was completed on 1986 September 5 and the building covenants were registered under Instrument No. 378440 C.D. on the same day.

This department supports the request of the owner that the City of Hamilton release the building covenants contained in Instrument No. 378440 C.D. in order to clear the title as the proposed building has been completed as required.

DJC/hew

c.c. P. Noé Johnson, City Solicitor
Allan C. Ross, Treasurer
C. Bandurka, Property Clerk, Surveys

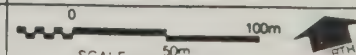


	27	28
108	104	94
99	85	115

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON
NASHDALE
ZONING

Neighbourhood Boundary
Zoning Boundary.



C.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 March 25

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
173 PARK ROW NORTH - Tag Number 96093
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 173 Park Row North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A



BACKGROUND:

PRESENT ZONING: D (Map E-54)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: To demolish an existing one storey protected frame single family dwelling. Owner wishes to rebuild a new single family dwelling. No LACAC interest. Lot size 25' x 100'.

The owner of the property as per the demolition permit is:

Rozycki Ignacy Estate
173 Park Row North
Hamilton, Ontario L8H 4E9

ND/zr

Da)

CITY OF HAMILTON
- RECOMMENDATION -

MAR 27 1996

DATE: 1996 March 22

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

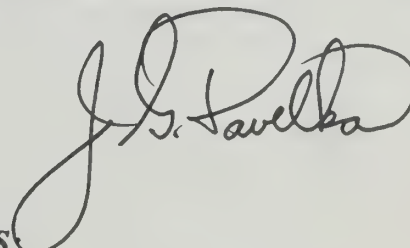
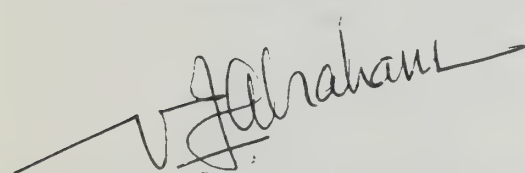
FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal
Board Hearing

RECOMMENDATION:

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-95-294, respecting property located at No. 999 Upper James Street.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time each will be required, for one representative from the Planning Department (approximately \$250) and one from the Law Department (ranging from approximately \$500 to \$1,000), for preparation and attendance at the Ontario Municipal Board hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

Committee of Adjustment application A-95-294 has recently been appealed to the Ontario Municipal Board. At its meeting of January 31, 1996, the Committee accepted Planning staff's recommendation and denied the application. The proposal is to permit the elimination of a required minimum 3.0 m wide planting strip adjacent to the easterly rear lot line (abutting residential uses), for the existing automobile dealership at No. 999 Upper James Street. A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M

Db)

CITY OF HAMILTON
- RECOMMENDATION -

MAR 27 1996

DATE: 1996 March 22

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

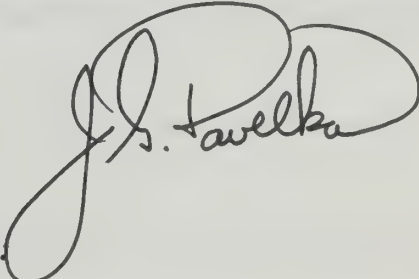
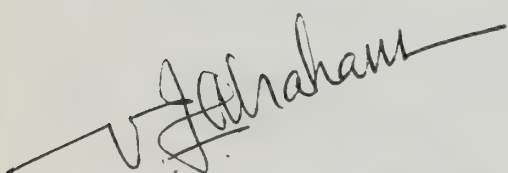
FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Authorization for Staff Attendance at Ontario Municipal
Board Hearings

RECOMMENDATION:

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearings in support of the Committee of Adjustment decision to deny Application No. A-96-17, respecting property located at No. 144 Highridge Avenue, and to approve Application No. A-96-21, respecting property located at No. 86 Dodson Street.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time each will be required for each hearing, for one representative from the Planning Department (approximately $\$250 \times 2 = \500) and one from the Law Department (ranging from approximately $\$500$ to $\$1,000 \times 2 = \$1,000$ to $\$2,000$), for preparation and attendance at the Ontario Municipal Board hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

The following Committee of Adjustment applications have recently been appealed to the Ontario Municipal Board:

A-96-17 - 144 Highridge Avenue

At its meeting of February 28, 1996, the Committee accepted Planning staff's recommendation and denied this application. The proposal is to permit a "flusher truck", having a licensed gross vehicle weight of 6.6 tonnes and dual rear wheels to be parked on the residential property, whereas the Zoning By-law does not permit vehicles with a weight greater than 4.0 tonnes or equipped with dual wheels to be parked in residential districts.

A-96-21 - 86 Dodson Street

At its meeting of February 28, 1996, the Committee accepted Planning staff's recommendation and approved this application. The proposal is to permit an existing third storey addition to a dwelling to continue to maintain a north side yard width of 1.676 m (5.5 ft.), whereas the Zoning By-law requires a minimum side yard of 2.7 m (8.86 ft.).

Dates for the Board hearings have not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearings.

CL-M

Dc)

CITY OF HAMILTON

- RECOMMENDATION -

MAR 27 1996

DATE: 1996 March 21
DA-95-23 (ZAC-95-02)
Ainslie Wood East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

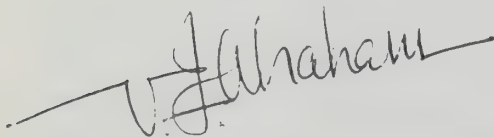
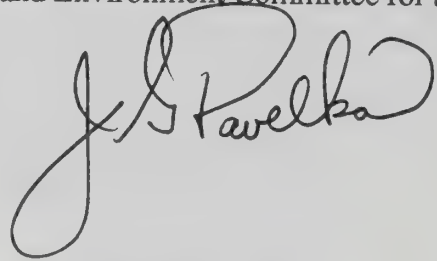
SUBJECT: Site Plan Control Application DA-95-23 for lands located
at 1445 Main Street West for use as a gas bar, carwash,
convenience store and drive-through restaurant.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-95-23 by Imperial Oil Limited, owner, c/o Greg Ford, for lands known as 1445 Main Street West, as shown on the attached map, for a gas bar, carwash, convenience store, and drive-through restaurant subject to the following:

- i) modification to plans in relation to notes, dimensions, and access points, as marked in red on the plans;
- ii) submission of a revised grading plan to the satisfaction of Manager of Development, Roads Department;
- iii) provision of the appropriate agreement to provide the extension of the traffic island on Main Street West;
- iv) dedication of a 6 m X 7 m daylight triangle at the intersection of Leland and Main Street to the Region for road widening purposes;
- v) submission of a revised landscape plan to the satisfaction of the Director, Planning and Development Department;
- vi) submission of revised building elevations for the convenience store to the satisfaction of the Director, Planning and Development Department;

- vii) submission of a tree preservation plan for the dual stemmed black walnut tree on City property to the satisfaction of the Forestry Division and that the applicant be responsible for costs associated with the removal/replacement of the two (2) existing trees on Lelands Avenue and removal of four (4) unhealthy trees on the Fire Hall lands; and further,
- viii) by copy of this report, the matter regarding removal/replacement of the existing trees on public lands be forwarded to the Transportation and Environment Committee for approval.

BACKGROUND:

Plans have been submitted for redevelopment of the existing gas bar and service station to a gas bar, carwash convenience store, and drive through restaurant, for lands known as 1445 Main Street West, as shown on the attached map.

The details of the development are as follows:

- Net Lot Area - 5842.0 m²
- Gross Floor Area - 262.7 m²
- Landscape Area - 2004.0 m²
- Building Height - 4.0 m +/- , one (1) Storeys
- No. of Parking Spaces Provided - 13 + 1 Handicapped
- Exterior Building Materials: Metal and Grey Stone (i.e. Bradstone Finish).

Zoning Application 95-02

The Planning and Development Committee, and City Council at their meetings of April 5, 1995, and April 11, 1995, respectively, **approved** Zoning Application 95-02 to permit the development of a gas bar and car wash with drive-through restaurant and convenience store, for property located at 1445 Main Street West, as shown on the attached map.

The subject lands were placed under Site Plan Control and final approval would be withheld until:

- i) a noise study with attenuation measures has been completed to the satisfaction of the Ministry of the Environment; and,

- ii) a traffic analysis respecting left turns from Main Street West has been completed to the satisfaction of the Traffic Department.

By-law No. 95-127 came into effect on December 4, 1995.

COMMENTS RECEIVED:

The Ministry of the Environment and Energy has verbally advised that the submitted noise study with attenuation measures is satisfactory.

The Roads Department has commented on various matters dealing with the grading plan, design of the access points, removal of trees within the road allowance and extension of concrete median islands on Main Street (See Appendix "A").

The Traffic Division has commented on matters dealing with access to the site and the required traffic study (See Appendix "B").

The Forestry Division has commented on the removal and preservation of existing trees within the road allowance and immediately to the north on the Fire Hall lands (See Appendix "D").

COMMENTS:

Modifications are required to the plans related to dimensions, notes, and access points and are marked in red on the plans in response to the comments from the various departments.

The Roads Department has advised that additional information should be resubmitted for approval of the grading plan. Therefore, a revised grading plan is required to be submitted to the satisfaction of the Manager of Development, Roads Department. Furthermore, as a conditional of approval it is recommended that a 6 m X 7 m daylight triangle at the intersection of Leland and Main Street be dedicated to the Region for road widening purposes. Furthermore, the applicant/owner will be required to provide the Region with a certification of soil quality, as per the guidelines of the Ministry of the Environment, to be completed and delivered to the Region of Hamilton-Wentworth within 30 days of the issuance of the first Building Permit for this development.

The Traffic Department has stated in their comments that the traffic study submitted is inconclusive. As a result, they will be proceeding with the original option to prohibit left turn movements from Main Street during peak periods. The applicant has agreed with this option (See Appendix "B").

The Landscape Plan will require some modification in relation to comments received from various commenting agencies (i.e. Roads and Public Works Department - Forestry Section). Thus, a revised Landscape Plan must be submitted to the satisfaction of the Director, Planning and Development Department.

It is also recommended that the building elevations for the convenience store be revised to be architecturally compatible and sensitive to existing residential dwellings/uses along the south side of Leland Avenue facing the convenience store. In addition to the stone veneer and metal cladding, as shown, the roof line could be altered to screen the mechanical equipment on the roof and vary the roof line (see Appendix "C"). Therefore, revised building elevations for the convenience store should be submitted to the satisfaction of the Director, Planning and Development Department.

The Forestry Division has stated that the applicant will be required to submit a tree preservation plan for the dual stemmed black walnut tree on City property (i.e. Fire Hall), and subject to City Council approval, the applicant will be responsible for costs associated with the removal/replacement of the two (2) existing trees on Leland Avenue affected by the new access driveway and the cost of removal of four (4) unhealthy trees on the Fire Hall lands.

Furthermore, by copy of this report, the matter regarding the removal/replacement of the above-mentioned existing trees on public lands be forwarded to the Transportation and Environment Committee for approval.

CONCLUSION:

Subject to the above, the proposed development is satisfactory.

JL/jl
DA-95-23

AINSLIE WOOD NORTH No. 3

COOTES PARADISE 'A' No. 29



AINSLIE WOOD EAST No. 2

City of Hamilton

Plan Showing Lands Subject to

Site Plan Control
Application DA-95-23

Planning and Development Department

Legend



Site of the Application

North



Scale
Not to Scale

Date
JULY 1995

Reference File No.
DA-95-23

Drawn By
Z. K.

ROADS DEPARTMENT

MEMORANDUM

PLANNING & DEVELOPMENT PLANNING BRANCH			
File No.		RECEIVED JAN 17 1996	
TO	STAFF	INIT.	INFO. ACT.
DIR.			
P.P. & A.			
NEIGH.			
DEV.			
E. & U.D.			
STAFF			
CART.			
ADMIN.			

TO: J. Sakala
Senior Landscape Architect
Planning and Development Department

YOUR FILE: DA-95-23

FROM: E. P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-0101

PHONE: (905) 546-2809

FAX: (905) 546-2870

SUBJECT: Site Plan Application DA-95-23 for
Lands Located at 1445 Main Street
West for use as a Gas Bar, Car Wash,
Convenience Store and Drive Through
Restaurant

DATE: 1996 January 16

The grading plan submitted dated June 1995 will be approved when the following revisions have been dealt with.

- (1) Please show a typical cross section of a swale on the grading plan.
- (2) Based on our calculations and the proposed elevations provided, the invert of the swale behind lots 4 & 5 is higher than the adjacent property line elevations. As these properties drain towards the subject lands the swale should be lowered in order to pick up the surface drainage coming from these lands. Please note that our minimum slope for sodded swales is 2 %.

In addition, based on the elevations provided there is a low area behind lots 9 and 10 which does not appear to drain properly. As part of the sites redevelopment, modifications should be made to the plans in order to correct this situation. The applicant/owner may wish to consider extending the proposed swale along the west property line to pickup the drainage from this area.

- (3) A portion of the driveway area adjacent to the north east corner of the proposed convenience store drains onto the Main Street West road allowance. As this is not permitted the plans should be modified accordingly.
- (4) The driveway entrances on Main Street West are greater than our maximum allowable of 3% within the road allowance.

Cont'd...

APPENDIX A

January 16, 1996

**Site Plan Application DA-95-23 for
Lands Located at 1445 Main Street
West for use as a Gas Bar, Car Wash,
Convenience Store and Drive Through
Restaurant (cont'd)**

- (5) Our calculations indicate that a minimum of 5 catch basins will be required to drain the subject lands.
- (6) The slope within the landscaped area between the two entrances off of Main Street West should be no greater than our maximum allowable of 3:1 and should be labelled as such.
- (7) Property line elevations along Main Street West and Leland Street should be set either equal to or up to 0.15 m higher than the corresponding perpendicular centreline elevations.

Transportation's Comments

We have reviewed the above application and submit the following comments:

- (1) The existing road allowance width of Main Street West is 26.21 m. Therefore we do not anticipate any further road allowance widenings along the Main Street frontage at this time.
- (2) The existing road allowance width of Leland Street is 18.29 m. There was a previous triangular road widening on the west side of Leland Street to accommodate the intersection of Cootes Drive on the northside of Main Street.
- (3) As a condition of site plan approval, we require that a 6 m (on Main Street) by 7 m (on Leland Street) daylight triangle at the intersection of Leland Street and Main Street be dedicated to the Region for road widening purposes.
- (4) We recommend that a clause be inserted into the Site Plan Agreement which requires that the applicant/owner provide the Region with a certification of soil quality which states that the lands to be dedicated for road widening purposes complies with the Interim Guidelines for the Assessment and Management of Petroleum Contaminated Sites in Ontario. Any costs for this soil clean-up, if required, are the sole responsibility of the applicant/owner. We require that the certificate of soil quality, as per the guidelines of the Ministry of the Environment, be completed and delivered respectively to the Region of Hamilton-Wentworth within 30 days of the issuance of the first Building Permit for this development.

Cont'd...

**Site Plan Application DA-95-23 for
Lands Located at 1445 Main Street
West for use as a Gas Bar, Car Wash,
Convenience Store and Drive Through
Restaurant (cont'd)**

- (5) We have reviewed the access requirements on Main Street West with the Traffic Division of the City of Hamilton Department of Public Works and Traffic. We understand that they will require as a condition of site plan approval that the existing concrete median island on Main Street, west of Cootes Drive, be extended westerly by approximately 12.0 metres and that a "No Left Turn" restriction be placed at the west end of the island for westbound traffic on Main Street. As a condition of site plan approval, we recommend that either the applicant enter into an Access Agreement with the Region for this island extension or that the island extension be made a condition of Approach Approval on Main Street. All costs associated with the island extension, utility relocation, restriping of the traffic lanes, installation of the required traffic signs, advertising costs of the road alteration, etc. are the sole responsibility of the applicant/owner. As a condition of approval, we recommend that the applicant provide the Region with sufficient securities to cover 100% of all costs relating to the island extension and the required advertising under the Municipal Act.
- (6) Approach approvals for access to Main Street and Leland Street are required from the City of Hamilton Traffic Department for any new accesses or the removal of existing accesses to the site.
- (7) All fences must be located a minimum of 3 metres from the Leland Street road allowance limits and 5 metres from the Main Street road allowance limits and the plans must be revised accordingly.
- (8) We require 5 m by 5 m daylight visibility triangles on private property between the accesses and the Leland Street road allowance limits and the Main Street road allowance limits in which the maximum height of any object or mature vegetation etc. is not to exceed 0.60 m above the corresponding centreline elevation of the adjacent street. We also recommend that the ground elevation, objects and mature vegetation on private property and within 2 m of the Main Street road allowance not exceed a height of 0.60 m above the corresponding perpendicular centreline elevation of Main Street. The grading and landscaping plans must be revised accordingly. The landscaping plan indicates that directional signing will be placed within the 5 m by 5 m daylight visibility triangles. These signs must be positioned such that motorists visibility within the accesses are not obstructed and detailed of these signs should be provided to the Traffic Division for their review and approval.


Cont'd...

- page 4 -

January 16, 1996

**Site Plan Application DA-95-23 for
Lands Located at 1445 Main Street
West for use as a Gas Bar, Car Wash,
Convenience Store and Drive Through
Restaurant (cont'd)**

- (9) Any other works which may occur within the adjacent road allowances or the daylight triangle, as widened, must conform to the respective Streets By-laws. Prior to any works within the road allowances, the applicant must contact the respective utilities and any relocation of utilities such as light standards etc. must be to the satisfaction of Hamilton Hydro and the City of Hamilton Department of Public Works and Traffic. The restoration of the boulevard must also be to the specifications of the City of Hamilton Department of Public Works and Traffic.
- (10) According to plans submitted by the applicant/owner, two trees will be removed from the Leland Street road allowance. The planting or removal of any trees or vegetation within the Main Street or Leland Street road allowance limits requires the written approval of the City of Hamilton Public Works Department - Forestry Section. It should also be determined by their Department whether the trees adjacent to the proposed access can be retained or must be removed for motorist sight line purposes.
- (11) The proposed tree at the west side of the lot should be shifted further to the south in order that the mature drip line of the tree is on private property only.



Eugene P. Chajka, P. Eng.
Manager of Development

DWW/HG

cc: R. Karl, City of Hamilton
Department of Public Works and Traffic



DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

**City of
HAMILTON**

TRAFFIC DIVISION

 1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
 Tel. (905) 546-4510 / Fax (905) 546-2419

1996 February 6

V.J. Abraham, M.C.I.P.
 Director of Local Planning
 Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA 95-23
1445 Main Street West

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH					
File No. FEB 07 1996					
TO	FROM	INIT.	INFO.	ACT.	
TO					
FROM					
INIT.					
INFO.					
ACT.					
STAFF					
CART.					
ADMIN.					

As a follow-up to our letter dated 1995 November 3, we offer the following comments with respect to the proposed site plan and traffic study.

The site plan, as submitted, is generally acceptable with the following notes:

1. Relocation of the eastern driveway on Main Street West necessitates the extension of the existing centre median island by approximately 9m vs. the 7m currently indicated. Signing should be added to the plan to indicate that exiting vehicles are required to turn "right only" from this driveway.

In order to expedite the applicant's ability to start work on the project, we have agreed to making this on-street work a condition of the driveway approach approval process rather than a condition of site plan approval. The applicants should however be made aware that if, for any reason, the extension of the median is not approved by Regional Council, this access design and position will require modification. The applicants should contact Mr. Harold Groen of the Regional Roads Department at 546-4278 to arrange for the median modifications.

2. Driveway approach approvals will be required for this project. The approach approval to Leland Street will be conditional on receiving the approval of the Public Works and Traffic Department, Forestry Section. The applicant is responsible for any and all utility relocations required as a result in the changes to the existing driveways.

APPENDIX B



In regards to the traffic impact study required as a result of the approval of Zoning Application 95-02, we offer the following.

The purpose of this study was to analyze the effect of left turns from Main Street into the site. As you will recall, in response to the zoning application we had indicated that in our view this new proposal warranted the prohibition of these left turns.

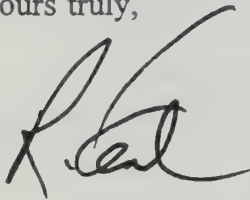
In our opinion, the traffic impact study is inconclusive. As a result, we will be proceeding with our original intent of prohibiting this left-turn movement during peak periods.

Attached for your information is a copy of a letter dated 1995 December 11 from the applicant wherein they agree to the turn restrictions being proposed.

On this basis, we are satisfied that the condition imposed at the zoning stage for this proposal has been satisfied.

Should there be any additional questions, please contact me at 4583.

Yours truly,

A handwritten signature in black ink, appearing to read 'Roland Karl', with a stylized, cursive script.

Roland Karl, P. Eng.
Manager of Traffic Planning

RK/kg
Attach.

c.c. H. Groen, Regional Roads Department

Products & Chemicals Division
5160 Yonge Street
NORTH YORK, Ontario
M2K 3A3

P. J. Sosin
Toronto Division Manager

The Corporation of The City of Hamilton
71 Main Street
HAMILTON Ontario
L8N 3T4

Attention: Mr. Roland Karl, P. Eng.

Re: Site Plan Application
Main & Leland - Hamilton

Dear Sir:

Please note that concerning the above noted property, we wish to advise you that Imperial has no objections to the restriction of left turns from west bound Main Street traffic, during peak hours, by way of a sign. We shall reserve our right to enter into negotiations with the City of Hamilton and the Region of Hamilton Wentworth regarding this turning restriction at a later date should Main Street and or Leland Street be redesigned.

We note that the traffic study submitted included the driveway. The information we have been provided by McDonalds note no noticeable increase in traffic due to the McDonalds drive thru window.

If there are any questions or concerns, please do not hesitate to contact the writer. We sincerely thank you for your time and efforts with respect to these matters and remain,

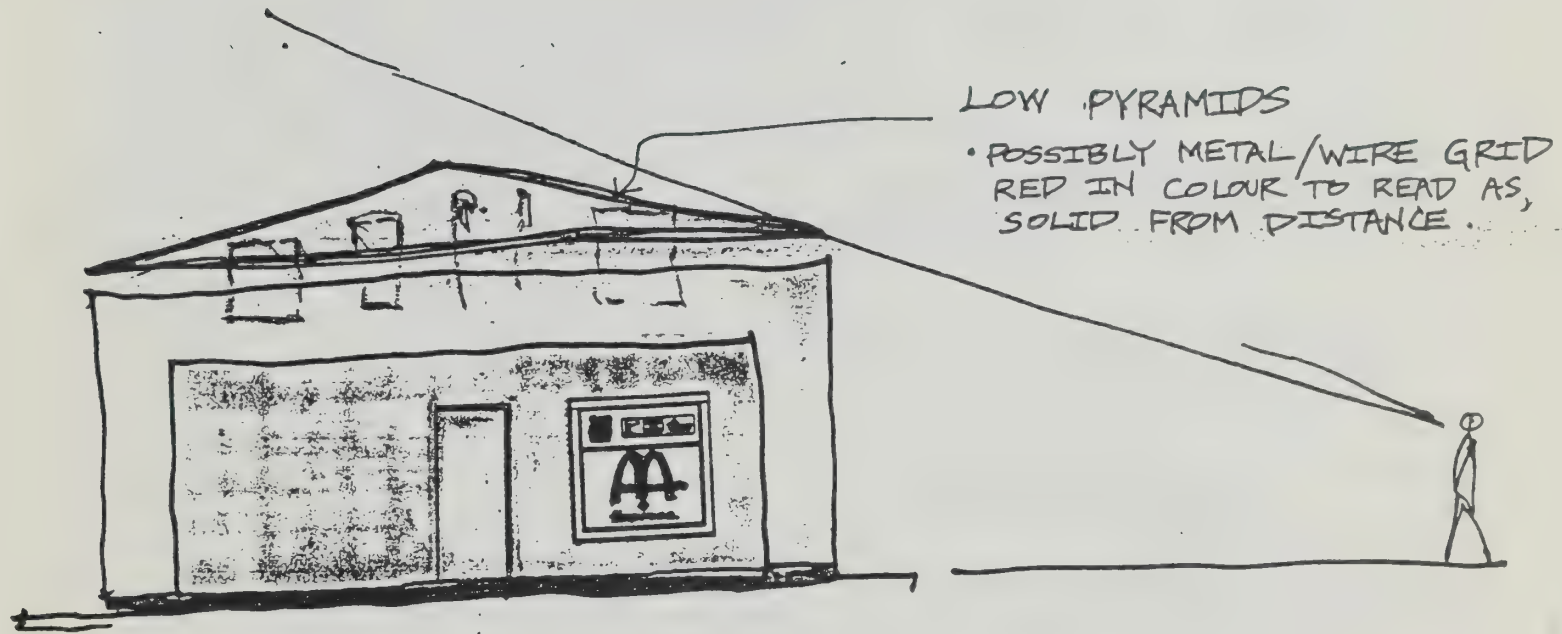
Yours very truly

Gregory R. Ford
Manager
Real Estate Development

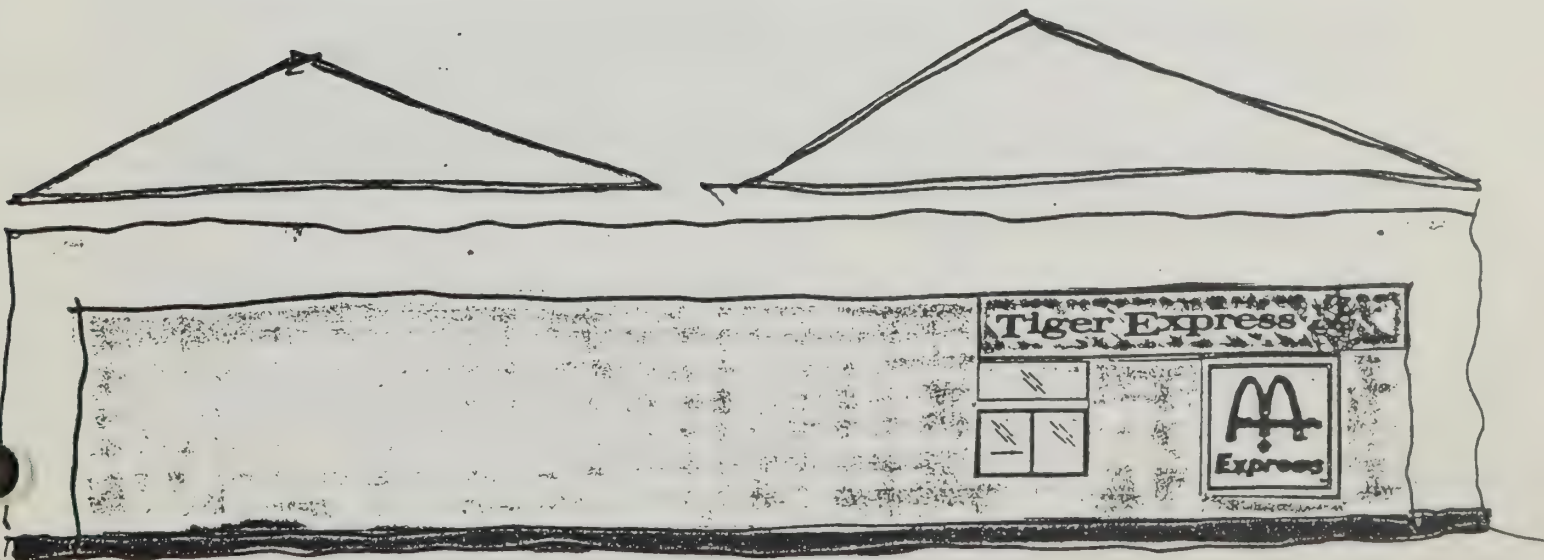
[illegible]

SKETCH - SCREENING OF ROOF MECHANICALS

13



RIGHT SIDE ELEVATION N.T.S.



REAR ELEVATION N.T.S.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		MAR. 19 1996		
TO	FROM	INITIALS	DATE	NOT
DID				
PLANNING				
ENGINEERING				
ENVIRONMENTAL				
LEGAL				
FINANCE				
ADMIN.				
YOUR FILE: <i>PS</i> OUR FILE: 96.2207 PHONE: 546-4228				

TO: Mr. J. Sakala
Senior Landscape Architect
Planning & Development Department

FROM: Mr. J. Pook
Horticulturalist
Streets Division

SUBJECT: Site Plan Application DA 95-23
1445 Main Street West

DATE: 1996 March 11

In response to your letter dated January 18, 1996 regarding the above subject, a representative from our Forestry section has investigated this application.

Upon reviewing the site plan, it is our understanding that the developer would like to construct a driveway access on the Leland Street side. Located in the proposed driveway are two 8" diameter White Ash trees on the City road allowance in good condition which would have to be removed to allow this construction.

The preservation of healthy trees is essential to the ongoing maintenance of our urban forest and every effort should be made to accommodate these trees. However, if the driveway cannot be situated in such a way as to not adversely affect the root systems of the trees, keeping in mind that tree root systems extend well beyond the dripline, we would suggest this matter be referred to City Council for approval.

If Council approval is granted for the removal of these two healthy City trees, our Forestry crews will carry out this work with the total cost to be borne by the developer.

A site inspection revealed there to be 11 trees to remain and be protected, not 10 trees as indicated on the proposed plan. A copy of the developer's tree preservation plan will be required for our review and approval.

The construction of the car wash building and the imperative grade changes will have an adverse affect on the health and longevity of the 5 mature deciduous trees located on the City of Hamilton Fire Department's property (Station #10, 1455 Main Street West). As you are aware, the City of Hamilton By-Law #92-155 respecting trees prohibits injury or destruction of a public tree (see attached highlighted areas).

APPENDIX D

- 2 -

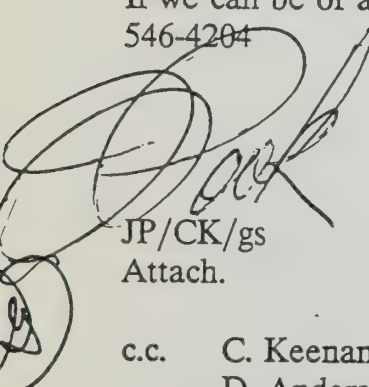
The 30" diameter dual stemmed black walnut tree on City property must be protected adequately under a tree preservation plan which the developer will have to submit for our review and approval. However, tree preservation for the remaining four 26" diameter poplar trees which are in a state of decline would not be practical. As an alternate to preserving these trees, the developer can assume the removal costs of the trees as the construction will reduce their normal life expectancy. This will reduce their expenditures for tree preservation and additional costs to accommodate these large trees. As these particular trees are not healthy City Council approval will not be required.

If City Council approval is granted for the removal of the aforementioned Leland Street side trees, the cost of the removal/replacement to be recovered by the Public Works Department are as follows:

Cost to remove two 8" diameter white ash trees	\$ 250.00
Cost for replacement trees	\$1,600.00
Cost to remove four 26" diameter poplar trees	<u>\$3,400.00</u>
Total Costs	\$5,250.00

Please forward a cheque in the amount of \$5,250.00 plus applicable taxes to the City of Hamilton, Public Works Department, Attention: Mr. Doug Anderson, so a work order can be arranged, providing City Council's decision is to remove the trees.

If we can be of any further assistance, please do not hesitate to contact Chuck Keenan at 546-4204



JP/CK/gs
Attach.

c.c. C. Keenan, Foreman, Forestry
D. Anderson, Timekeeper, Public Works Department
G. Desjarlais, Deputy Chief, Hamilton Fire Department



(2) Notification of public tree removal may be waived by the Director in an emergency situation where a public tree endangers public health, or public or private property.

(3) The Notice required to be given by subsection 6(1), may be given by leaving it with a person who appears to be over 18 years of age residing on the land or if personal contact is not possible, by posting it in a conspicuous place on the land.

Removal Of
Public Tree

7. (1) The Director must have City Council approval to authorize the removal of any public tree, except:

- (i) in an emergency situation where a public tree endangers public health or public or private properties or,
- (ii) where the removal of a public tree is necessary in the public interest as defined in section 5(2).

City Council
Approval

(2) City Council may only under exceptional circumstances, approve the removal of a healthy public tree which is not causing any damage to public or private property.

Additional
Costs

(3) The Director may determine the location and tree species of the replacement tree for the tree removed under subsection (2).

Prohibitions
Against Injury
Or Destruction

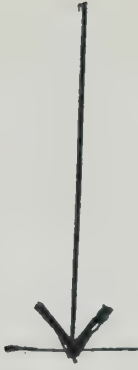
8. No person shall, without prior written consent of the Director,

- (i) Remove, prune, disturb, cut above or below ground, or alter in any way on public property, a public tree;
- (ii) Deposit, place, store or maintain on public property any stone, brick, sand, concrete, soil or any material or equipment that may impede the free passage of water, air or nutrients to the roots of a public tree;
- (iii) Fasten any sign, bill, notice, wire, rope, nail or other object to, around or through any public tree in any manner; or around or through the stakes, posts that protect any such tree;
- (iv) Cause or permit any gaseous liquid or solid substance which is harmful or toxic to any public tree, to come in contact with any public tree on public property;
- (v) Set fire to or permit any fire to burn where such fire or the heat thereof will injure any portion of any public trees;
- (vi) Interfere with fences, boxes or other protective devices placed around any public tree;

X
NOTE: -



CONT'D...



Permit
Required

- (vii) Alter or change soil levels on public property in the vicinity of any public tree in a manner likely to cause injury to the tree;
- (viii) Excavate any ditch, tunnel, trench, or lay any walkway or driveway on public property within the drip line of a public tree;
- (ix) Cause or permit or perform any excavation or soil disturbance or compaction on public property within the drip line of any public tree.

9. (1) A person who intends to do or cause to be done any construction or excavation that may, or is likely to injure a public tree, shall obtain a permit from the Director and shall also deposit the sum of \$200.00. The deposit shall be returned to the applicant if the tree is not injured or damaged, otherwise, the deposit shall be retained by the City and such person shall pay any additional costs for repairing the tree or removing and replacing the tree if the tree is damaged beyond repair.

(2) After receiving any required City or Regional Municipality of Hamilton-Wentworth approval(s) under the Building Code Act, or any other Act, or any by-law, any person who intends to construct or cause to be constructed a walkway, driveway, building or structure within the dripline of a public tree on public property, shall obtain a permit from the Director and shall also deposit the sum of \$200.00. The deposit shall be returned to the applicant if the tree is not injured or damaged, otherwise, the deposit shall be retained by the City and such person shall pay any additional costs for repairing the tree or removing and replacing the tree if the tree is damaged beyond repair.

(3) Any person constructing, excavating or demolishing on public or private property within the dripline of a public tree, shall follow the instructions given by the Director to preserve and protect the public trees.

Removal of a
Public Tree

10. (1) Any person wanting to have a public tree on public property removed, shall apply to the Director for a removal permit and shall also deposit the sum of \$200.00.

(2) If the permit is granted by City Council under section 7, the person applying for the permit shall pay the City the cost of removing the tree plus the cash value of the tree as established by the Ontario Shade Tree Council and the International Society of Arboriculture-Canada Inc.

(3) When the applicant has,

- (i) paid the City the cost of removing and replacing the tree, and

Dd'

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 March 25 March 27 1996
(CDM-CONV-95-007)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

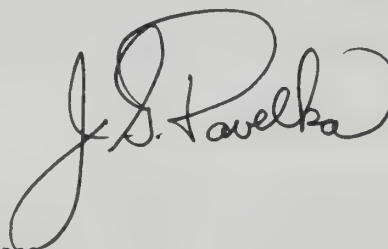
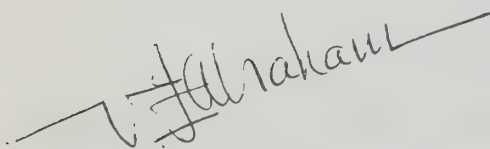
SUBJECT:

Proposed Draft Plan of Condominium by Meroc Developments (In Trust) -
97 and 101 Connaught Avenue South, Stipeley Neighbourhood

RECOMMENDATIONS:

1. That approval be granted to application CDM-CONV-95-007 submitted by Meroc Developments (In Trust), owner, for a draft plan of condominium for property located at Nos. 97 and 101 Connaught Avenue South to provide for a condominium comprised of a 3 storey apartment building containing 12 individual apartment condominium units, subject to the following conditions:
 - a) That this approval applies to the attached draft plan dated March 23, 1995 prepared by B.J. Clarke, O.L.S.;
 - b) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;
 - c) That prior to approval of the final plan,
 - i) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and
 - ii) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593;

- d) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-007);
 - e) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - f) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
- 2. That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan.
 - 3. That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner -

Meroc Developments (In Trust), Hamilton, Ontario

Surveyor -

B.J. Clarke, O.L.S., Hamilton, Ontario

Location -

The lands known municipally as 97 and 101 Connaught Avenue South, comprising 0.09 acres, are located on the east side of Connaught Avenue South, north of Main Street East in the Stipeley Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert an existing rental apartment building containing 12 units on 3 floors to condominium status.

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Existing Development" within the "Urban Policies Area". The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

City of Hamilton Zoning By-law - The lands are zoned "DE-2" - Multiple Dwellings.

Neighbourhood Plan - The lands are designated "Low Density Apartments" according to the Durand Neighbourhood Plan. The proposal complies.

Rental Housing Protection Act - Application CD-95-007 was approved by Council on June 21, 1995 subject to several conditions. Recommendation of draft approval status of the Plan of Condominium is conditional upon the owner securing the Certificate of Approval.

Comments from Circulation -

The following agencies had no comments or objection toward the proposal:

Building Department
Traffic Department
Ontario Hydro
Hamilton Hydro
Union Gas
Bell Canada

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"INFORMATION:

1. Municipal storm and sanitary sewers are available on Main Street East provided that the population density does not increase.
2. The proposed condominium conversion development can be serviced for water from the existing watermains on Main Street East and Connaught Avenue South.
3. There will be no Regional share for this development.
4. The H.S.R. have stated that they have no comment.

RECOMMENDATIONS:

1. Any works within the Main Street East road allowance must conform to the Region's Road Use By-Law."

COMMENTS:

The applicant wishes to convert 12 existing rental apartment units to 12 condominium apartment units on the subject property. To complete this process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then apply for the City's approval under the Condominium Act for the legal division of the property.

On June 21, 1995, Council approved application CD-95-007 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the owner will have had to complete the Rental Housing Protection Act conditions and received the Rental Housing Protection Act Certificate of Approval.

MLT/

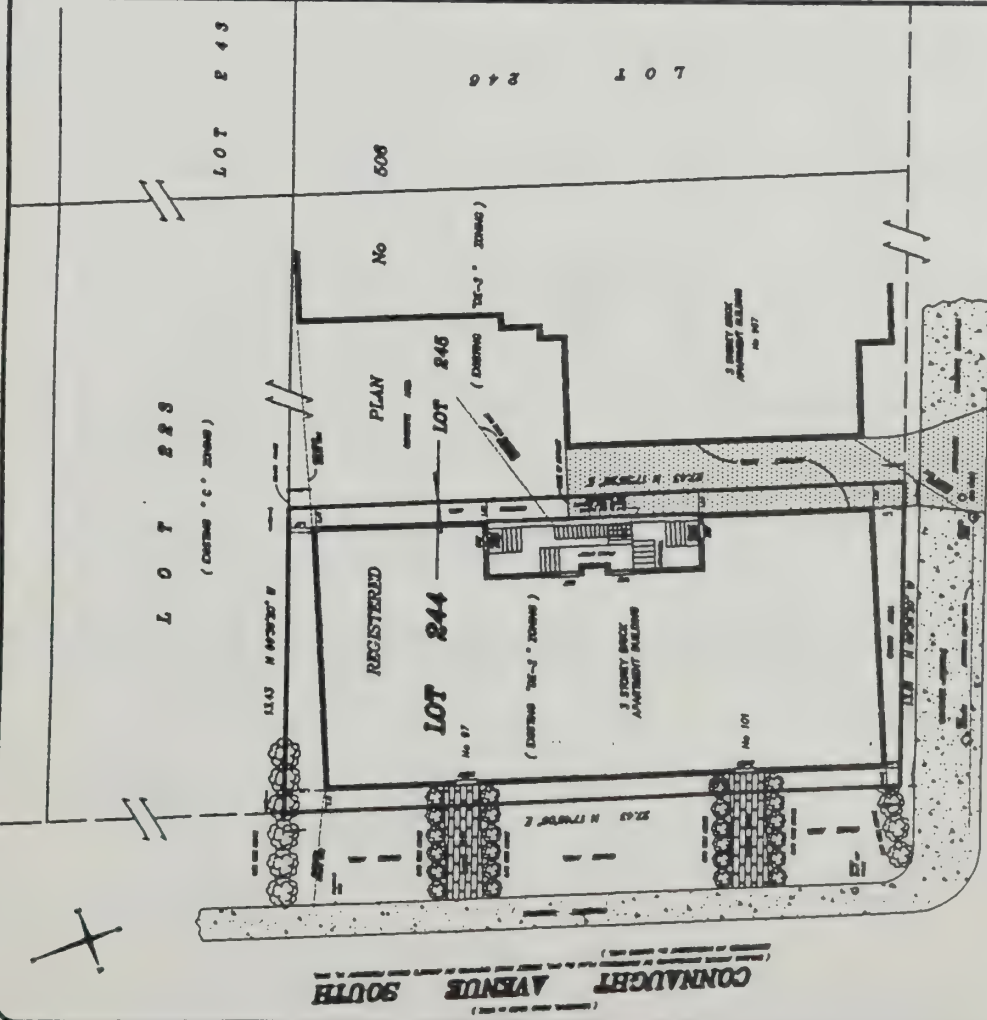
KEY PLAN



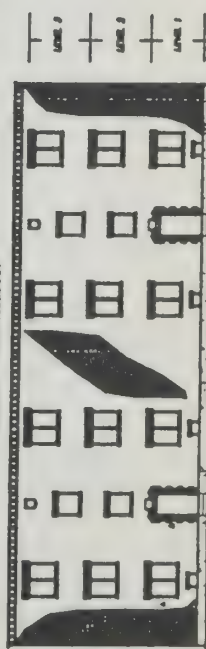
LAYOUT FOR
LEVELS 1, 2 AND 3
(TYPICAL)



MAIN STREET EAST



MAIN STREET EAST
FRONT ELEVATION



NOT TO SCALE

MUTUAL PLAN OF
MUNICIPAL ADDRESS No 97 & No 101
CONNAUGHT AVENUE SOUTH

LOT 244 - CONNAUGHT PARK
REGISTERED PLAN No 508

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WESTPORT



THE PLAN IS A MUTUAL PLAN AND IS SUBJECT TO THE MUTUAL PLAN ACT AND THE MUTUAL PLAN REGULATIONS.

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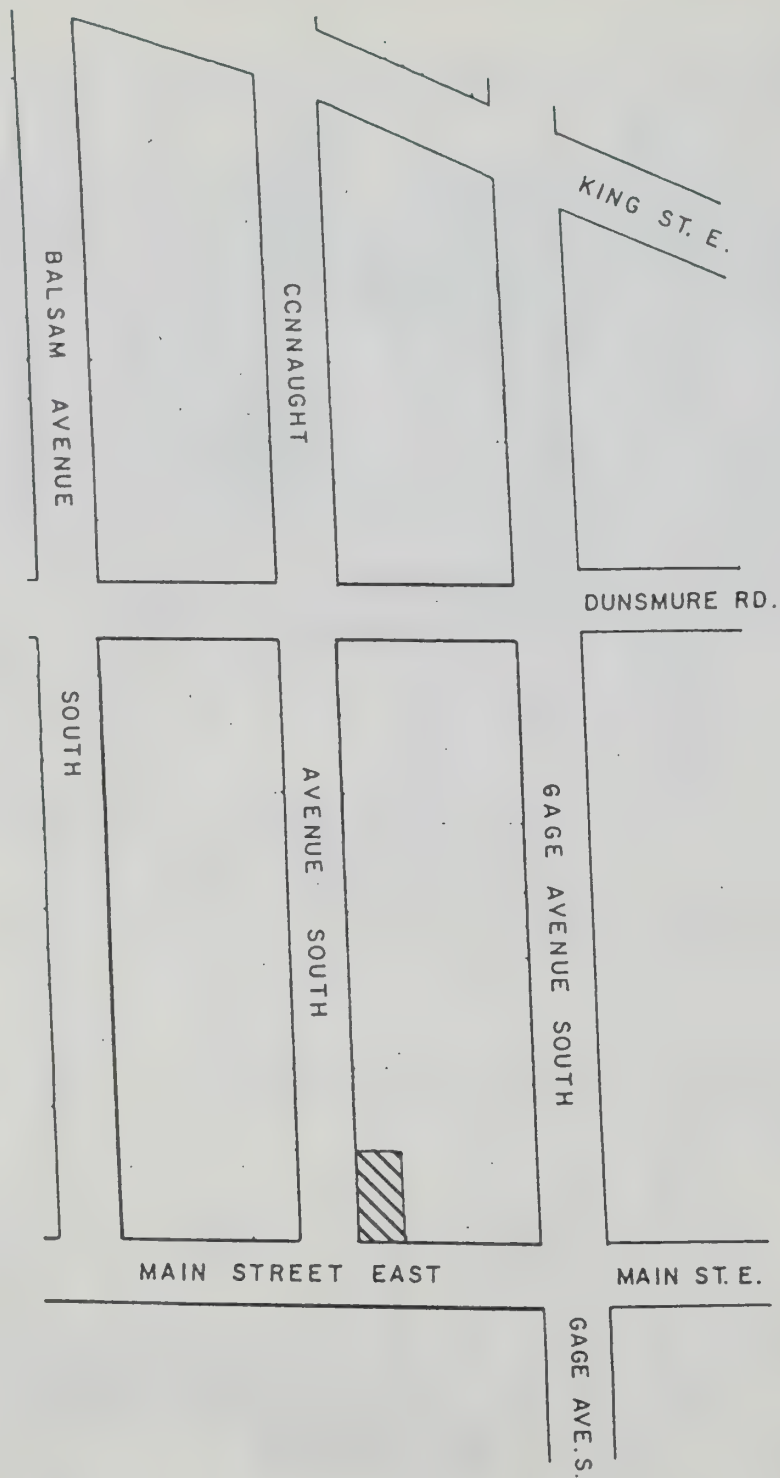
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Off. J. Clarke and Associates Ltd.
ENGINEERS, ARCHITECTS, PLANNERS
1000 SHEPPARD AVENUE EAST, SUITE 100
SCARBOROUGH, ONTARIO M1S 1B5
TEL: (416) 291-1111



City of Hamilton

Key Map

Planning and Development Department

Legend



Lands of application

North



Scale
Not to Scale

Date
March 1996

Reference File No.
CDM-CONV-95-007

Drawn By
FAB

E

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 March 28

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

T. Agnello

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Director of Planning and Development : Approved Site Plan Control Application, dated 1996 March 25
- (b) Building Commissioner : Residential Rehabilitation Assistance Program Allocation for 1996, dated 1996 March 21
- (c) Mr. and Mrs. Grigg : Monster homes hearing - Ainslie Wood Neighbourhoods, dated 1996 March 21
- (d) Secretary, Planning and Development Committee : OMB Fees for Appeals to Zoning Bylaws under the New Planning Act, dated 1996 March 28
- (e) City Solicitor, "The Politics of Municipal Regulation" presented by G. Rust-D"Eye at CBAO, dated 1996 March 28

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN/MUNICIPAL
CA4 ON HBL A25
C51P4
1996



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 April 17
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

APR 16 1996

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

A G E N D A

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 95-21, by Micor Development Inc., owner, for a further modification to the established "DE" District modified for property located at south-west corner of Chedmac Drive and Rice Avenue.
2. DIRECTOR OF PLANNING AND DEVELOPMENT

ZAR-95-06, 603976 Ontario Inc.,(Terra Homes) - Request for removal of the holding symbol for lands located east of Upper James Street and North of Chipman Avenue
3. CITY SOLICITOR, DIRECTOR OF PLANNING AND BUILDING COMMISSIONER

Mobile Signs (copy to follow)

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 April 17

4. BUILDING COMMISSIONER

Clean Soils on Pier 126 (copy to follow)

5. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Barton Street Revitalization

6. CONSENT AGENDA

7. OTHER BUSINESS

8. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
3.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
4.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
5.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
6.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
7.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
8.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant
9.	Billboards/Third Party Signs	1996 March 20	Staff to conduct study and prepare bylaw	Study and Report Pending

1996 April 11

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 April 12
ZAR-95-21
Mountview Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a further modification in zoning for lands located at the South-West corner of Chedmac Drive and Rice Avenue.

RECOMMENDATION:

- (a) That approval be given to Zoning Application 95-21, Micor Developments Inc., prospective owner, requesting a further modification to the established "DE" (Low Density Multiple Dwellings) District, for property located at south-west corner of Chedmac Drive and Rice Avenue, shown as Block "2" on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of Block "2" until the applicant has completed a noise study, and any required works, to the satisfaction of the Ministry of Environment and Energy.
- City Council may remove the 'H' symbol, and thereby give effect to the "DE" District, modified, provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;
- (ii) That Blocks "1" & "2" be zoned from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District;
- (iii) That the "DE" (Low Density Multiple Dwellings) District regulations as contained in Section 10A of By-law No. 6593, applicable to Blocks "1" & "2", be modified to include the following variances as special requirements:
- (1) That notwithstanding Section 10A(1) of Zoning By-law No. 6593, a maximum of forty-one (41) townhouse units shall be permitted on Block "1", and a maximum of forty (40) townhouse units shall be permitted on

Block "2", subject to the "RT-20" (Townhouse - Maisonette) District provisions of Section 10E;

- (2) That notwithstanding Section 10E(3) of Zoning By-law No. 6593, no building or structure shall exceed one and a half (1-1/2) storeys and 9.5 m (31.16 feet) in height on Blocks "1" & "2";
 - (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-37 be notated S- ;
 - (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37 for presentation to City Council;
 - (vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (vii) That the Approved Mountview Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Attached Housing" upon finalization of the implementing By-law.
- (b) That By-law No. 91-207, applicable to the subject lands, be repealed in its entirety.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) to "DE" (Low Density Multiple Dwellings) District modified for lands located at south-west corner of Chedmac Drive and Rice Avenue, shown as Block "1" & "2" on the attached map.

The effect of the By-law is to permit a maximum of forty (40) townhouse units on Block "2" to be developed in conjunction forty-one (41) townhouse units on Block "1". The by-law also provides for the following variance as a special requirement:

- restricts the height of the townhouse units on Blocks "1" & "2" to a maximum of one and a half (1-1/2) storeys, and 9.5 m (31.16 feet), whereas three (3) storeys, and 11.0 m (36.09 feet) is permitted.

In addition the by-law repeals By-law 91-207 which currently permits the following on Blocks "1" & "2" :

- a six storey, 82 unit apartment building;
- 18, two storey stacked townhouse units;
- 41, one storey townhouse units;

- a residential care facility for 12 residents aged 60 years and over;
- one dwelling unit in the same building as the residential care facility; and,
- an amenity centre having a minimum gross floor area of 1,010 m², including a chapel, library, administrative offices, activity and exercise rooms, lounges, dining rooms, variety store and hairdresser.

The amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O 1990, to Block "2" of the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until:

- the applicant has completed a noise study, and any required works, to the satisfaction of the Ministry of Environment and Energy.

Removal of the holding restriction shall be conditional upon the Ministry of the Environment and Energy advising in writing that the applicant has submitted a satisfactory noise study, and any required works for Block "2" of the subject lands. City Council may remove the 'H' symbol, and thereby give effect to the "DE" District Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

Abrahami

J. S. Favelha

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Micor Developments Inc., prospective owner.

BACKGROUND:

- Proposal - Block "2" (Phase II)

The applicant, Micor Development, has applied for a further modification to the established "DE" (Low Density Multiple Dwellings) District modified, to permit forty (40) townhouse units on Block "2" (Phase II), for property located at south-west corner of Chedmac Drive and Rice Avenue, shown on the attached map marked as APPENDIX "A".

Block "1" (Phase I), consisting of forty-one (41) townhouses units, received Site Plan Control approval on April 27, 1995, subject to various conditions (e.g. submission of a noise study to be included as part of the approved plans), and is currently being finalized (See Appendix "D").

- Zoning Application 90-67

Previously, the Presbyterian Residences (Hamilton) Inc., a non-profit organization, proposed to develop a senior citizens community consisting of:

- a six storey, 82 unit apartment building;
- 18, two storey stacked townhouse units;
- 34, one storey townhouse units;
- a residential care facility for 12 residents aged 60 years and over;
- one dwelling unit in the same building as the residential care facility; and,
- an amenity centre having a minimum gross floor area of 1,010 m², including a chapel, library, administrative offices, activity and exercise rooms, lounges, dining rooms, variety store and hairdresser.

At its meeting of November 21, 1990, the Planning and Development Committee approved an application for an Official Plan Amendment for a redesignation from "MAJOR INSTITUTIONAL" to "RESIDENTIAL", and a rezoning from "AA" (Agricultural) District to "DE" (Low Density Apartments) District, modified, to permit the development of the subject lands as mentioned above.

Approval of the by-law by City Council was held in abeyance pending the approval of a site plan, including a noise study.

At its meeting of September 18, 1991, the Planning and Development Committee approved a revised resolution (Section 14 of the Twenty-First Report for 1990 of the Planning and Development Committee, respecting Zoning Application 90-67) to permit development of the lands for a senior citizens community consisting of 6 - storey, 82-unit apartment building; 18, 2-storey stacked townhouse units; 41 townhouse units; residential care facility for 12 residents aged 60 years and over, and an amenity centre. Furthermore, the condition which required the by-law to be held in abeyance until approval of a site plan was deleted. However, the noise study was to be undertaken as part of Site Plan Approval.

The Implementing By-law (91-207), which was appealed to the Ontario Municipal Board and subsequently withdrawn, came in effect on March 3, 1992, the date the Region of Hamilton-Wentworth passed the required Official Plan Amendment (O.P.A., No. 96).

- By-law No. 93-161

City Council, on July 27, 1993, passed By-law No. 93-161, which deleted townhouse dwellings as a permitted use in the Multiple Dwelling Districts [e.g. "DE" (Multiple Dwellings) District]. Thus, any subsequent townhouse proposal within established "DE" Districts are reviewed on their own merit by submitting a zoning application to the City.

- Land Severance Application H-58-95

At its meeting of July 18, 1995, the Land Division Committee approved the applicants request to sever the property into two (2) parcels subject to, among others, the condition that the applicant apply for and receive final approval of a by-law modifying the zoning of the subject lands to permit the development of the retained lands for forty (40) townhouse units (Phase 2).

LOT SIZE AND AREA:

Blocks "1" & "2"

- 177 m (582 ft.) of lot frontage on Rice Avenue;
- 165 m (541 ft.) of lot depth on Chedmac Drive; and,
- 2.9 ha (7.2 ac) of lot area.
- Block "1" (Phase I), Net lot area - 17,792 m²
- Block "2" (Phase II), Net lot area - 15,874 m²

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"DE" (Low Density Apartments) District, modified
<u>Surrounding Lands</u>		
to the north	hospital facilities, vacant land	"AA" (Agricultural) District
to the south	townhouses, apartment buildings	"D" (Urban Protected Residential - One and Two Family Dwellings) District
		"E-2" (Multiple Dwellings) District

to the east	women's retirement home	"B" (Suburban Agricultural Residential, etc.) District
to the west	Chedoke Hospital laundry facility and vacant land	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents, and;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands (Blocks "1" & "2") are designated "LOW DENSITY APARTMENTS" on the approved Mountview Neighbourhood Plan. The proposal conflicts with the intent of the Plan. If approved a redesignation would be required from "LOW DENSITY APARTMENTS" to "ATTACHED HOUSING".

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:
 - Union Gas; and,
 - Hamilton Region Conservation Authority.
- The Ministry of the Environment has reviewed the noise study, prepared by Aeroustics Engineering Ltd., and advised that they cannot support the rezoning until excessive noise levels from Chedoke hospital laundry facility can be adequately resolved.
- The Roads, Building, Public Works and Traffic Departments have advised that they are not opposed to the change in zoning. However, the Roads Department has forwarded comments concerning the future servicing of the subject lands (see APPENDIX "C ").

COMMENTS:

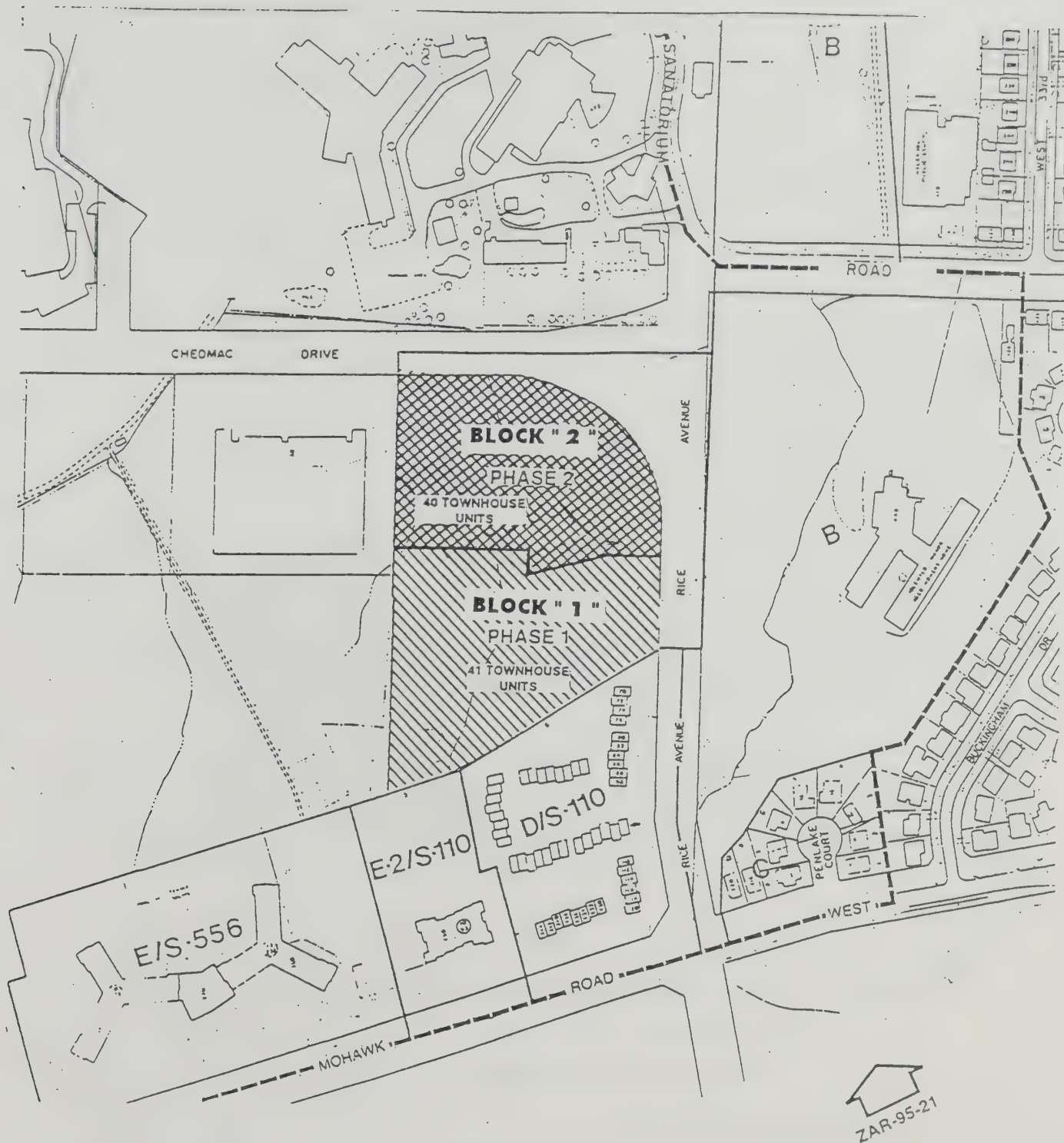
1. The proposal does not conflicts with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Mountview Neighbourhood Plan in that the lands are designated "LOW DENSITY APARTMENTS" (Blocks "1" & "2"). If approved a redesignation would be required from "LOW DENSITY APARTMENTS" to "ATTACHED HOUSING" upon finalization of the implementing By-law.
3. The proposal has merit and can be supported for the following reasons:
 - it complies with the intent of the Official Plan;
 - it would be compatible with the existing and planned development in the surrounding area;

- it is located in close proximity to public transit routes, community facilities, medical facilities, etc.; and,
 - the proposed "RT-20" District is compatible with the established townhouses along Rice Avenue.
4. The request for townhouses on Block "2" represents a less intensive use of the subject lands than currently permitted under By-law 91-207. Furthermore, the height of the proposed seniors townhouse units on Blocks "1" & "2" will be restricted to a maximum of one and a half (1-1/2) storeys and 9.5 m (31.16 feet), as proposed by the applicant, whereas the by-law permits a maximum of three (3) storeys and 11.0 m (36.09 feet).
- Since the applicant does not intend to develop the property for a 82 unit - six (6) storey apartment building, 18 unit stacked townhouse, and a residential care facility with an amenity centre as stated and currently permitted under By-law 91-207, it is recommended that By-law No. 91-207, be repealed in its entirety and replaced with the amending by-law.
5. With respect to the Ministry of the Environment and Energys comments regarding excessive noise levels generated by the adjacent Chedoke hospital laundry facility, it is recommended that the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands until the applicant has completed a noise study, and any required works, to the satisfaction of the Ministry of Environment and Energy. City Council may remove the 'H' symbol, and thereby give effect to the "DE" District, modified, provisions by enactment of an amending By-law once the condition is fulfilled.
6. The "DE" (Low Density Apartment) District modified is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to road widenings, access, landscaping, grading, fencing, lighting, etc. will be further reviewed at the site plan approval stage of development. It should be noted that Block "2" (Phase II) will require Site Plan Control Approval similar to Block "1" (Phase I), which received Site Plan Control approval on April 27, 1995, subject to various conditions (e.g. submission of a noise study to be included as part of the approved plans), and is currently being finalized (See Appendix "D").

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/jl
WPZAR9521



APPENDIX A

LEGEND:

Block "1" - From "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, Modified

Block "2" - From "AA" (Agricultural) District to "DE" - 'H' (Low Density Multiple Dwellings - Holding) District, Modified



NOTE: All dimensions are in metres

City of Hamilton

Key Map

to By-Law No. 91-207-

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend
Change in zoning from:



"AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified.

North



Scale
NOT TO SCALE

Date
DECEMBER, 1990

Reference File No.
ZA90-67

Drawn By
T.A.

APPENDIX "B"

ROADS DEPARTMENT

MEMORANDUM

TO: P. Mallard
Division Head, Land Use and Urban Design
Department of Planning & Development

FROM: E. P. Chajka, P. Eng.
Manager of Development
Roads Department

YOUR FILE: ZAR-95-21

OUR FILE: E220-1305

PHONE: (905) 546-2809

FAX: (905) 546-2870

SUBJECT: Zoning Application 95-21 for the lands located at the S/W Corner of Chedmac Drive and Rice Avenue DATE: 1995 June 15

In conjunction with this application, the applicant has submitted Site Plan Control Application DA-94-33 and Land Division Application H-58-95.

It is our understanding that Land Division Application H-58-95 will sever Phase 1 from Phase 2 into two separate developable lots, requiring a separate site plan application for each lot. All development details will be dealt with at the site plan application stage.

We do not recommend servicing the subject lands from the existing watermain on Chedmac Drive. The theoretical expected delivery pressure is substandard. Servicing the lands for water would require the extension of the existing watermain on Rice Avenue northerly from its current terminus approximately at the north end of the townhouse block. There are no Capital Budget projects proposed to do this.

With respect to storm and sanitary sewers, the outlets for this development are available at the intersection of Rice Avenue and Sanatorium Road. It appears that the property is being developed in two separate phases and the need for sewer easements cannot be determined from the information provided.

In general, we have no objection to the proposed zoning modification.


Eugene P. Chajka, P. Eng.
Manager of Development

CAU

APPENDIX C

**AERCOUSTICS
ENGINEERING
LIMITED**

50 Ronson Dr., Suite 127
Rexdale, Ontario
M9W 1B3

Tel. 416-249-3361
Fax. 416-249-3613

Description Date

REVISIONS

CLIENT:
MICOR
DEVELOPMENTS
INC.

PROJECT:
MOHAWK
HOSPITAL SERVICES
LTD.

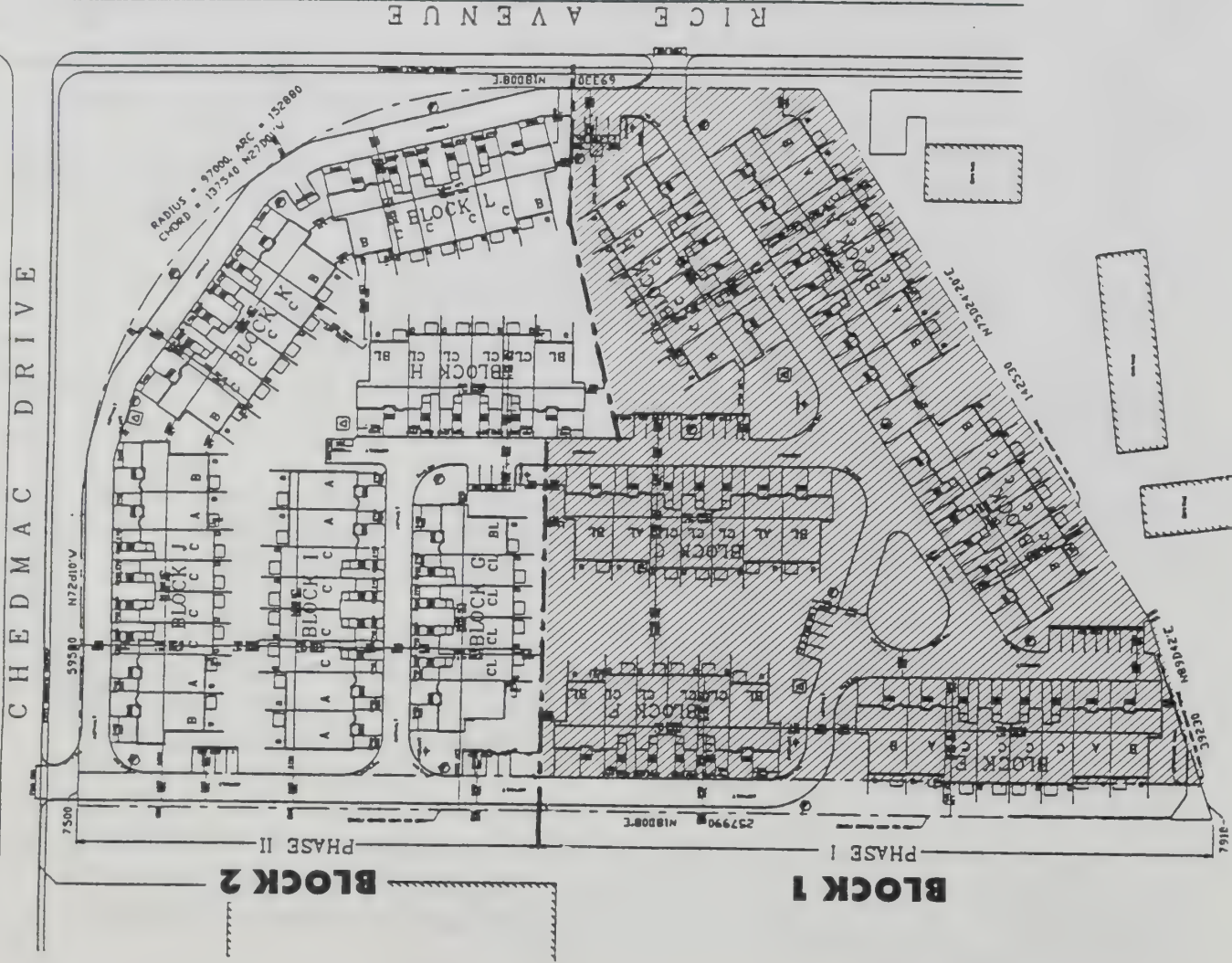
DRAWING:
DEVELOPMENT
LAYOUT

SCALE: NTS

DATE: DEC. 16/94

DRAWN BY: G

DRAWING NO.: 2



2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 April 10
ZAR-95-06
Jerome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for removal of the 'H' (Holding) Symbol - Lands
east of Upper James Street and north of Chipman Avenue.

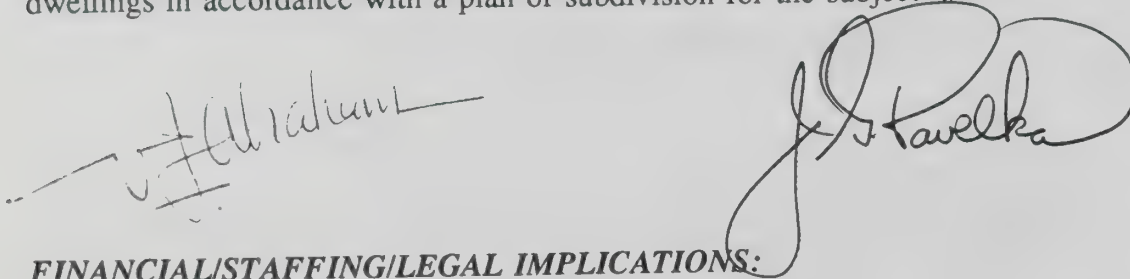
RECOMMENDATION:

1. That approval be given to Zoning Application 95-06, 603976 Ontario Inc. (Terra Homes), owner, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to allow for the development of the subject lands for single detached dwellings through plan of subdivision, for lands located in the area east of Upper James Street and north of Chipman Avenue, as shown on the attached map marked as APPENDIX "A";
2. That the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593, as amended by By-Law No. 90-351, for presentation to City Council.

EXPLANATORY NOTE:

The purpose of this By-law is to remove the 'H' (Holding) symbol, for lands located in the area east of Upper James Street and north of Chipman Avenue, as shown on the attached map marked as APPENDIX "A". The 'H' (Holding) provision was placed on the lands until such time as sanitary sewers are available to service the subject lands. In this regard, the City has secured an easement to provide sanitary sewers to service the existing single detached dwellings along Chipman Avenue and to allow for the development of the subject lands by way of a plan of subdivision.

The effect of the By-law is to permit the use of the subject lands for 50 single detached dwellings in accordance with a plan of subdivision for the subject lands.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- By-law No. 90-351

On December 11, 1990, City Council passed By-law 90-351 which changed the zoning of the subject lands from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District. The effect of the By-law was to permit the development of the subject lands for single detached dwellings. The 'H' (Holding) symbol was placed on the subject lands to ensure that development of the subject lands did not occur until municipal sewers are installed.

- Subdivision Application (SA-94-01)

City Council, at its meeting of May 30, 1995, recommended approval of Subdivision Application SA-94-01 (San Lorenzo Heights). The subdivision is for 50 lots for single detached dwellings and one block as a 0.3 m wide reserve. The subdivision was draft approved on June 14, 1995.

As a condition of draft plan approval, the proposed plan of subdivision is not to be registered until, among other conditions, the holding provision in the Zoning By-law has been removed.

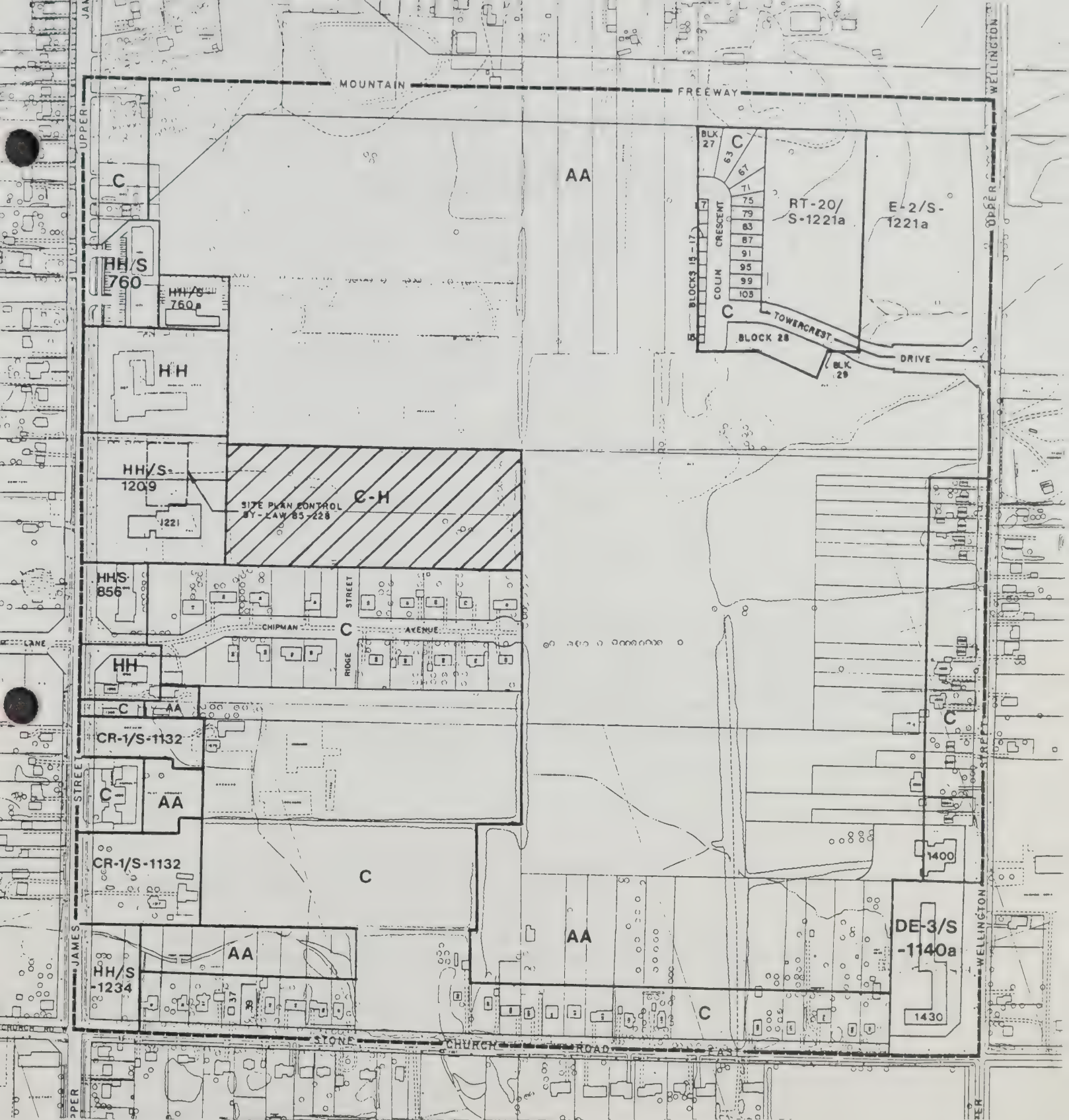
COMMENTS RECEIVED:

The Roads Department has advised that:

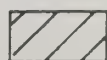
"Please be advised that the necessary municipal sewers are now available to service the subject lands. The "H" symbol may be removed and development may now proceed according to the existing zoning of these lands."

CONCLUSION:

On the basis that municipal sewers have been installed to the limits of the subject lands, it is appropriate to remove the 'H' (Holding) symbol from the above property.



Legend



Site of the Application



ZAR-95-06

5.

CITY OF HAMILTON
- RECOMMENDATION -

APR 11 1996

DATE: 1996 April 4

REPORT TO: Tina Agnello, Secretary
Planning & Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Barton Street Revitalization - Phase I

RECOMMENDATION:

That a purchase order be issued to O. Ciccarelli & Sons Contracting Ltd. in the amount of \$90,050.37 including all taxes and contingency, for the landscape construction of Barton Street and West Avenue School, being the lowest of three tenders received in accordance with specifications C15-7-96 issued by the Purchasing Division and the Vendor's Tender, and that this expenditure be financed from the Barton Street Revitalization Program Account No. CH24107 0001.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The expenditure of \$90,050.37 including all taxes and contingency for the landscape construction at Barton Street and West Avenue School will be funded through the Barton Street Revitalization Program Account No. CH24107 0001. The balance remaining after this expenditure is \$9,949.63 which will be spent on street furniture and other landscaping components. The program is funded 100% by the Province of Ontario.

The West Avenue School portion of the total contract is \$50,592.11, and streetscaping along Barton Street is \$39,458.26.

Maintenance implications have been incorporated into the Public Works and Traffic Department's current budget for 1996.

The tenders received are as follows:

<u>Bidder</u>	<u>Contract A</u>	<u>Contract B</u>	<u>Total</u>
O. Ciccarelli & Sons	\$50,592.11	\$39,458.26 =	\$ 90,050.37
Aldershot Landscape	\$59,309.52	\$39,781.53 =	\$ 99,091.05
HTC Contractors	\$62,400.26	\$41,815.60 =	\$104,215.86

BACKGROUND:

At its meeting held 1995 March 28 City Council approved the implementation of the Barton Street Revitalization Program within the boundaries of the Barton General B.I.A. The program consists of four components: 1) streetscaping; ii) loans and grants for improvements to buildings; iii) a mural project; and, iv) special events.

Staff from the Public Works and Traffic Department held a series of meetings with members of the Barton General B.I.A. and various stakeholders to identify priorities for implementation under the streetscaping component of the revitalization program. The results of the meetings identified the number one objective was to create "green" areas along Barton Street to soften the existing corridor. Other components identified include, but are not limited to: safety, lighting, and sidewalk widening. A separate report will be forthcoming to implement other initiatives upon the Provincial Government forwarding additional monies under the program.

The streetscaping components are all on publicly owned property and are at the following locations:

- the north-east corner of Barton Street East and Wellington Street North
- the south-east corner of Barton Street East and Victoria Street
- the south-east corner of Barton Street East and Emerald Street
- the north-west corner of Barton Street East and St. Mathew's Avenue

The improvements include the planting of trees and flowering shrubs, concrete curbing, and pavement.

EH/HM/ps

c.c. Mr. Allan C. Ross, Treasurer
Mr. Doug Clark, Building Department
Mr. Cody, Chairman, Barton BIA

6.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday, 1996 April 17
9:30 o'clock a.m.
Room 233, City Hall**

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 April 3

B. BUILDING COMMISSIONER

- (a) 37 Burlington Street East - Hamilton Emergency Loan Program
- (b) 328 Barton Street East - Commercial Property Improvement Loan Program
- (c) 1996 Annual Conference of the Ontario Association of Committees of Adjustment

C. DIRECTOR OF PLANNING AND DEVELOPMENT

Extension of Draft Plan Approval "Wisemount Estates" Subdivision, by Urbex Engineering Limited, agent, on behalf of 822827 Ontario Inc., owner, Regional File No. 25T-83004 (Lisgar Neighbourhood).

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

A.

The Planning and Development Committee met.

There were present:

Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman Wm. McCulloch
Alderman G. Copps
Alderman F. Eisenberger
Alderman B. Charters
Alderman M. Caplan
Alderman H. Merling

Regrets:

Mayor Robert M. Morrow - Civic Business

Also Present:

Alderman M. Kiss
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning Department
Bill Janssen, Planning Department
Joe Lakatos, Planning Department
Roland Karl, Public Works & Traffic Department
Eugene Chajka, Regional Environmental Department
Willie Wong, Building Department
Tina Agnello, Secretary

1. **Rental Housing Protection Act Application SE-96-001 - 252-268 James Street South,
Durand Neighbourhood.**

**Submission: William Schapiro, Urban Outdoor Trans Ad,
1881 Yonge Street, Suite 800, Toronto, M4S 3C4**

Joanne Hickey-Evans advised that the application is to sever a property into 3. The total number of units is 10. The applicant intends to keep the supply of housing. The rental unit will be kept as rental.

The applicant was present in support of his application.

With regard to the submission of Mr. Schapiro, the Committee concurred that he will have the same rights as he has presently; his status will not change.

As recommended in the report dated 1996 March 25, the Committee recommended to Council as follows:

- (a) That approval be given to Application SE-96-001 under the Rental Housing Protection Act, 867065 Ontario Inc, owner, to sever the land, which contains three mixed commercial/residential buildings with a total of 10 rental apartments into three separate parcels, for the property located at 252-268 James Street South, subject to the following condition:

That the owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

- (b) That upon satisfaction of the above-noted condition, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

2. Zoning Application 95-34, by 867065 Ontario Inc. (M. Presta), owner, for a further modification to the established "E-1" District modified for property located at 252, 262, and 268 James Street South.

Paul Mallard advised that in 1987 the Committee of Adjustment reduced the required amount of parking. This application also provides a number of variances. Whereas previously, the applicants were willing to provide fewer parking spaces under this application, 41% of the parking spaces are being provided.

Of 286 notices sent, 9 replied in favour and 4 opposed.

Alderman Copps was concerned with regard to the parking and that the applicants do not comply 100% with regard to the parking.

As recommended in the report dated 1996 March 26, the Committee recommended to Council as follows:

- (A) That approval be given to amended Zoning Application 95-34, 867065 Ontario Inc. (M. Presta) owner, requesting a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit severance of the property into three (3) separate lots and permit additional commercial and residential uses within the basement level of the existing buildings, for property located at 252, 262, and 268 James Street South, shown as Blocks "1", "2" & "3" on the attached map marked as APPENDIX "A", on the following basis:
 - (a) That the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11A of By-law No. 6593, applicable to Blocks "1", "2" & "3", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 11A(1) of Zoning By-law No. 6593, the following residential and commercial uses and any combination thereof, shall be permitted in the buildings existing on the day of the passing of this by-law except as provided in clause b):
 - (1) **Commercial Uses:**
 - (aa) General Offices; Medical Offices;
 - (2) **Residential Uses:**
 - (bb) Multiple dwellings;
 - (ii) **Commercial Uses** comprised of medical offices, the aggregate floor area of which shall not exceed 50% of the total gross floor area of the building including the basement or cellar;
 - (iii) No part of the land abutting James Street South shall be used for vehicle access to or from James Street South;
 - (iv) No part of the yard adjacent to James Street South shall be used for parking of vehicles;

- (v) That notwithstanding Clauses (a) and (c) of Subsection 4 of Table 1 of Section 18A of Zoning By-law 6593, a minimum of 24 parking spaces shall be provided and maintained, as follows:
 - (1) a minimum of 13 parking spaces shall be provided and maintained on Block "1";
 - (2) a minimum of 6 parking spaces shall be provided and maintained on Block "2";
 - (3) a minimum of 5 parking spaces shall be provided and maintained on Block "3";
- (vi) That notwithstanding Section 18A (7) of Zoning By-law 6593, not more than three (3) of the parking spaces on Block "1" and four (4) of the parking spaces on Block "2" shall be permitted to have dimensions not less than 2.7 m wide and 5.0 m long;
- (vii) That notwithstanding Table 4 & 5 of Section 18A of By-law 6593, no loading space shall be required;
- (viii) That Sections 18A(11), 18A(12)(a) and 18A (26) shall not apply;
 - (1) The southerly driveway access for the parking area along the westerly property line of Block "3" adjacent to Markland Street shall not be used for any purpose other than an entrance from Markland Street; and,
 - (ix) The northerly driveway access for the parking area along the westerly property line of Block "1" adjacent to Herkimer Street shall not be used for any purpose other than an exit to Herkimer Street.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1356, and that the subject lands on Zoning District Map W-6 be notated S-1356;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-6 for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- (B) That By-law Nos. 85-200 and 86-103, applicable to the subject lands, be repealed in their entirety.

* Alderman Copps opposed.

3. REFERRAL BACK FROM COUNCIL

Item 16(e) C-18 A By-law Respecting the Regulation of Billboards/Third Party Signs

Tabled to later in the meeting.

4. **BUILDING COMMISSIONER**

30 Norfolk Road North - Demolition

A submission was received by Linda Grigg of 55 Thorndale Street North, Hamilton.

As recommended in the report dated 1996 March 27, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to deny the demolition permit for 30 Norfolk Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

5. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

Minutes of the Meeting held 1996 March 20

The minutes of the meeting held 1996 March 20 were adopted as circulated.

The Committee recommended to Council various recommendations as follows:\

B. **DIRECTOR OF PROPERTY**

**Release of Building Covenants
City of Hamilton Sale to Angelo Salicciola
5 Goderich Road, Kenora Industrial Park
- dated 1996 March 26**

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 5 Goderich Road from the building covenants to the City of Hamilton as contained in Instrument No. 378440 C.D. registered on 1996 September 5.

C. **BUILDING COMMISSIONER**

173 Park Row North - Demolition - dated 1996 March 25

That the Building Commissioner be authorized to issue a demolition permit for 173 Park Row North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. **DIRECTOR OF PLANNING AND DEVELOPMENT**

(a) **Authorization for Staff Attendance at an Ontario Municipal Board Hearing for property located at 999 Upper James Street (A-95-294) - dated 1996 March 22**

That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-95-294, respecting property located at No. 999 Upper James Street.

- (b) **Authorization for Staff Attendance at Ontario Municipal Board Hearings for 144 Highridge Avenue and 86 Dodson Street - dated 1996 March 22**

That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearings in support of the Committee of Adjustment decision to deny Application No. A-96-17, respecting property located at No. 144 Highridge Avenue, and to approve Application No. A-96-21, respecting property located at No. 86 Dodson Street.

- (c) **Site Plan Control Application DA-95-23 for lands located at 1445 Main Street West for use as a gas bar, carwash, convenience store and drive-through restaurant - dated 1996 March 21**

The Committee resolved to approve the recommendation of the Director of Planning and Development as follows:

That approval be given to Site Plan Control Application DA-95-23 by Imperial Oil Limited, owner, c/o Greg Ford, for lands known as 1445 Main Street West, as shown on the attached map marked as Appendix "B", for a gas bar, carwash, convenience store, and drive-through restaurant subject to the following:

- (i) modification to plans in relation to notes, dimensions, and access points, as marked in red on the plans;
- (ii) submission of a revised grading plan to the satisfaction of Manager of Development, Roads Department;
- (iii) provision of the appropriate agreement to provide the extension of the traffic island on Main Street West;
- (iv) dedication of a 6 m x 7 m daylight triangle at the intersection of Leland and Main Street to the Region for road widening purposes;
- (v) submission of a revised landscape plan to the satisfaction of the Director, Planning and Development Department;
- (vi) submission of revised building elevations for the convenience store to the satisfaction of the Director, Planning and Development Department;
- (vii) submission of a tree preservation plan for the dual stemmed black walnut tree on City property to the satisfaction of the Forestry Division and that the applicant be responsible for costs associated with the removal/replacement of the two (2) existing trees on Lelands Avenue and removal of four (4) unhealthy trees on the Fire Hall lands; and further,
- (viii) by copy of this report, the matter regarding removal/replacement of the existing trees on public lands be forwarded to the Transportation and Environment Committee for approval.

Prior to voting on the motion, a discussion ensued. Alderman Copps was concerned with the conditions being fulfilled by various departments.

Willie Wong advised that a building permit is not issued until all the site plan conditions are fulfilled.

Art Zuidema stated that an agreement is drawn up by the Law Department which stipulates the conditions which are to be fulfilled.

In response to a question from Alderman Caplan, Paul Mallard advised that all the neighbours official objections have been withdrawn.

Alderman Kiss was concerned that the neighbourhood residents did not have an opportunity to attend a public meeting. Paul Mallard advised that staff had met with the objectors, and their concerns have been satisfied.

d) Proposed Draft Plan of Condominium by Meroc Developments (In Trust) - 97 and 101 Connaught Avenue South, Stipeley Neighbourhood - dated 1996 March 25

That approval be granted to application CDM-CONV-95-007 submitted by Meroc Developments (In Trust), owner, for a draft plan of condominium for property located at Nos. 97 and 101 Connaught Avenue South to provide for a condominium comprised of a 3 storey apartment building containing 12 individual apartment condominium units, subject to the following conditions:

- (i) That this approval applies to the attached draft plan marked as Appendix "C" dated March 23, 1995 prepared by B.J. Clarke, O.L.S.;
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;
 - (iii) That prior to approval of the final plan,
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593;
 - (iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-007);
 - (v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - (vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
- (e) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan.

- (f) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

E. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

The Committee acknowledged receipt for information purposes the following items reported to the Members of the Committee under separate cover.

- (a) Director of Planning and Development: Approved Site Plan Control Application, dated 1996 March 25.
- (b) Building Commissioner : Residential Rehabilitation Assistance Program Allocation for 1996, dated 1996 March 21.
- (c) Mr. and Mrs. Grigg : Monster homes hearing - Ainslie Wood Neighbourhoods, dated 1996 March 21
- (d) Secretary, Planning and Development Committee : OMB Fees for Appeals to Zoning By-laws under the New Planning Act, dated 1996 March 28
- (e) City Solicitor, "The Politics of Municipal Regulation" presented by G. Rust-D"Eye at CBAO, dated 1996 March 28.

6. **OTHER BUSINESS**

- (a) **The Secretary of Planning Development Committee - OMB Fees for Appeals to Zoning By-laws Under the New Planning Act for Discussion**

Alderman Drury asked how an appeal will be dealt with if it is a petition.

Art Zuidema advised that they must either form a corporation or each individual will be required to pay the appeal fee.

Alderman Merling stated that this is a positive step and that this will prevent frivolous objections. He also advised that at the Committee of Adjustment the appellants pay the fee. It will also give the people who appeal more ownership of the application.

Following discussion, the Committee resolved that the report be received.

- (b) **Alderman Eisenberger - Clean Soils on Pier 126**

Alderman Eisenberger stated that he would like staff to prepare a report on the interpretation of the zoning at this location.

The Committee concurred that the Building, Planning and Law Departments prepare a report on the interpretation of the zoning on Pier 126 and in addition, that they are to advise if shipping operations are being conducted at that location and that this report be brought back to the next meeting of the Planning and Development Committee.

- (c) **Alderman Charters - Mobile Signs**

Alderman Charters requested what the status is of this item.

Art Zuidema advised that a meeting is being held tomorrow being April 4, 1996 and that the by-law is in draft.

Alderman Charters requested and the Committee concurred that a report on Mobile Signs be forthcoming to the next Planning and Development Committee meeting.

7. **PRIVATE AND CONFIDENTIAL AGENDA**

The Committee adjourned into camera to discuss matters of property and potential litigation and reconvened immediately thereafter with the following report:

The Committee recommended to Council as follows:

That By-law No. 88-250 adopting Official Plan Amendment No. 66, which incorporates the Central Area Plan as a secondary plan and redesignates Pier 10 and 11 from utilities to industrial be repealed.

3. **INTERIM CONTROL BY-LAW - Cont'd**

Referral Back From Council - Item 16(e) C-18 A By-law Respecting the Regulation of Billboards/Third Party Signs

The Committee resolved that the Interim Control By-law respecting the Regulation of Billboards/Third Party Signs be tabled indefinitely.

In addition, the Committee directed staff to prepare as expeditiously as possible, the study with regard to the regulation of Billboards/Third Party Signs and subsequently to prepare a draft by-law and that staff forward for the next Committee meeting, a report regarding same.

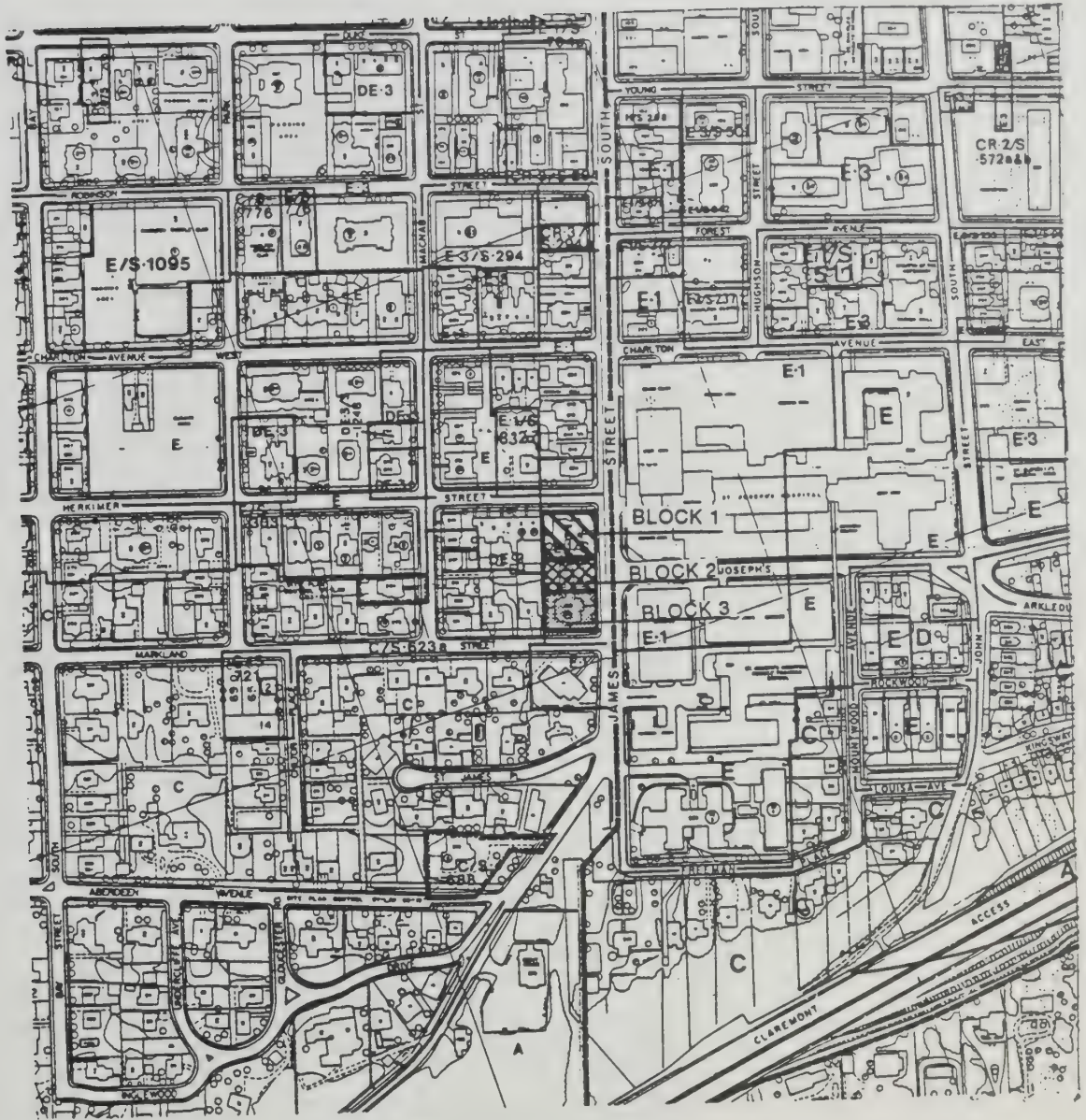
8. **ADJOURNMENT**

There being no further business, the Committee meeting adjourned.




Taken as read and approved.

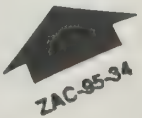
**Alderman Don Drury, Chairperson
Planning and Development Committee**

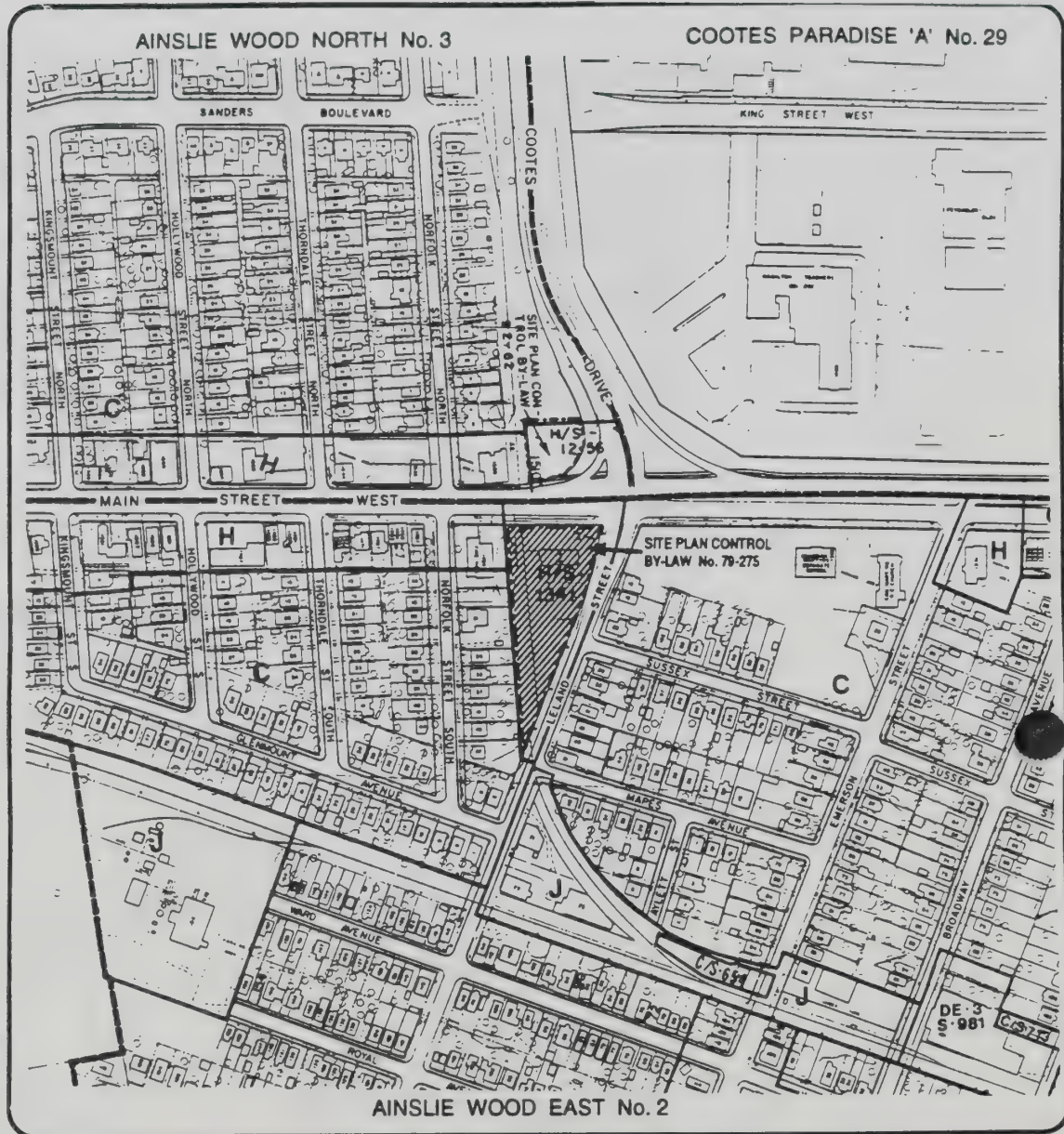
**Tina Agnello
Secretary
/br**



Legend

BLOCK 1		"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District Modified.
BLOCK 2		"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District Modified.
BLOCK 3		"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District Modified.





City of Hamilton

Plan Showing Lands Subject to
Site Plan Control
Application DA-95-23

Planning and Development Department

Legend



Site of the Application

North



Scale
Not to Scale

Date
JULY 1995

Reference File No.
DA-95-23

Drawn By
Z. K.

Ba
1996

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 April 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
37 Burlington Street East (96.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and fifty dollars (\$1,350) be approved for Lisa Blawatt, 37 Burlington Street East. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Lisa Blawatt, 37 Burlington Street East in the amount of \$1,350. The furnace has been replaced, and the Department recommends approval in the amount of \$1,350 at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

Bb)

APR 02 1996

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 April 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program
(CPILP)
328 Barton Street East (96.2.4.2.1.A) (96.2.14)

RECOMMENDATION:

- (a) i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Minh Vu and Thuan Dang for improvements to 328 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3 1/2 per cent, amortized over 10 years, and;
- ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program, and;
- (b) i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Minh Vu and Thuan Dang for exterior storefront improvements to 328 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3 1/2 per cent, amortized over 10 years, and;
- ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 328 Barton Street East has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 74-74 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loans and grants to the applicant for improvements to 328 Barton Street East:

- (a) \$25,000 loan amortized over ten years at 3 1/2 per cent interest.
 Grant portion \$12,500
 Security: Promissory note and a collateral mortgage on the owners' other property
 at 596 Corbett Street, Hamilton. Monthly payments \$247.26.

- (b) \$5,000 loan amortized over ten years at 3 1/2 per cent interest.
 Grant portion \$2,500
 Security: No security other than promissory note. Monthly payments \$75.

LCK/MM/dc

c.c. R. Camani, Treasury Department
 D. Clarke, Building Department
 D. Powers, Law Department

Bc)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 April 11

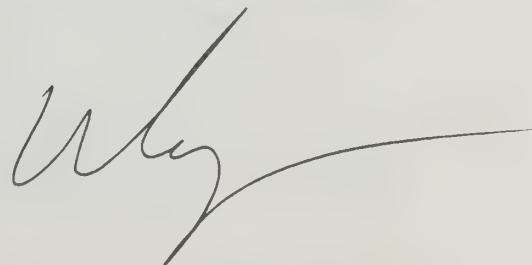
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: 1996 Annual Conference of the Ontario Association
of Committees of Adjustment (96.2.4.2.1.A, 96.2.4.3.2)

RECOMMENDATION:

That the Chairman of the Committee of Adjustment or his nominee and another member of the Committee of Adjustment be authorized to attend the 1996 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for three days, 1996 June 2 - 5, in Barrie Ontario at an expense not to exceed \$880 each to be charged to account CH 55201-10010, Legislative Travelling.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted conference is an educational conference of mutual benefit to all members across the province. The City of Hamilton, Committee of Adjustment, was not represented at the 1995 Conference.



LCK/PF/dm

C.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 April 9
Lisgar Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Extension of Draft Plan Approval
"Wisemount Estates" Subdivision
(File No. 25T-83004)

RECOMMENDATION:

- (a) That the request by Urbex Engineering Limited, agent, on behalf of 822827 Ontario Inc., owner, to extend draft plan approval for "Wisemount Estates" subdivision under Regional File No. 25T-83004 for a further five (5) year period to May 13, 2001, be approved.
- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Location:

The "Wisemount Estates" subdivision is located north of Limeridge Road East and west of Upper Kenilworth Ave., in the Lisgar Neighbourhood (Appendix "A").

History:

The "Wisemount Estates" subdivision was originally draft approved in October, 1983. The subdivision is being developed in phases with 6 phases completed to date. The applicant has advised that 822827 Ontario Inc. purchased the property in January, 1993. To date, 74 single detached lots and a 43 unit apartment building have been developed. Phase 7 is pending registration and will complete Lockheed Drive.

Draft approval is scheduled to expire on May 13, 1996. Given that the applicant is proceeding with the development of the subdivision, a further extension will allow for sufficient time to complete the final phases of development.

COMMENTS:

The original conditions of draft plan approval have been reviewed to determine if they are still applicable to the development. With six phases registered and with the seventh phase pending registration, an extension of draft approval is appropriate.

CONCLUSION:

Based on the foregoing, the request for a further extension can be supported.

SR:sr

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 April 11

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Al Leach, Minister of Municipal Affairs and Housing re: Amendments to the Planning Act- New approach to Land Use Planning, dated 1996 March 11
- (b) J.D. Thoms, Commissioner, Regional Environment Department re: New Approach to Land Use Planning and merging of Regional Departments, dated 1996 April 1
- (c) City Solicitor re: Appeal of Hamilton Harbour Commissioners to OMB, dated 1996 April 10
- (d) Director of Planning re: Approved Site Plan Control Applications, dated 1996 April 3

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

CITY OF HAMILTON

RECOMMENDATION

DATE

1995 April 11

REPORT TO

Alignment of Local Council and a Strategic Planning and Development Committee

FROM

The Strategic Planning and Development Committee

SUBJECT

Interim Report

RECOMMENDATION

The following information has been reviewed by the Strategic Planning and Development Committee and is recommended for the Council's consideration.

(a) At least, within the Strategic Planning and Development Committee, the Strategic Planning and Development Committee should be established.

(b) The Strategic Planning and Development Committee should be established by the Council, and the Strategic Planning and Development Committee should be established by the Council.

(c) The Strategic Planning and Development Committee should be established by the Council, and the Strategic Planning and Development Committee should be established by the Council.

(d) The Strategic Planning and Development Committee should be established by the Council, and the Strategic Planning and Development Committee should be established by the Council.

FINANCIAL/STATISTICAL INFORMATION

RECOMMENDATION





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